

**ORGANISATION OF GOVERNMENT
IN MAHARASHTRA**

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Maharashtra Regional Branch

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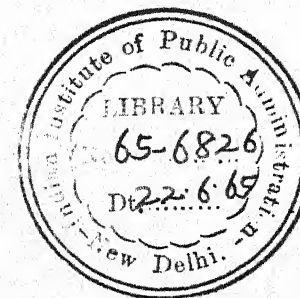
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ORGANISATION OF GOVERNMENT IN MAHARASHTRA

INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
MAHARASHTRA REGIONAL BRANCH



BOMBAY
POPULAR PRAKASHAN

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PREFACE

Some years ago, Prof. V. K. N. Menon, the then Director of the Indian Institute of Public Administration, New Delhi, had suggested to the Regional Branch the preparation of a book on the organisation of government in the State on the lines of the volume on the organisation of the Government of India which the Institute had brought out in 1958. The work could not be taken in hand for some time due first to the reorganisation of States in 1956 and then to the bifurcation of the bilingual State of Bombay in 1960 into the States of Maharashtra and Gujarat. In 1962, the Maharashtra Regional Branch decided to undertake the work and steps were taken to collect the necessary information.

Shri B. J. Israel, retired Under Secretary to the Government of Maharashtra, was entrusted with the examination of the material collected from various sources and its presentation in a suitable form. While the work was in progress the State Government appointed a Committee to report on administrative reorganisation. The information furnished to the Committee by the various departments about the existing structure of the administration was made available to the Regional Branch. Departmental manuals, administration reports and the texts of statutes were also drawn upon to give as correct and complete a description of the administrative system as possible.

The task of scrutinising the extensive material turned out to be quite heavy. In May 1963, Shri V. S. Tilak, I.A.S. (Retd.), who had then retired as Secretary to the Government of Orissa, was good enough to agree to go through part of the material and advise on its arrangement and drafting. The preparation of the volume for the press was completed by Shri B. J. Israel and Shri N. S. Patil, Research Officer of the Regional Branch. The latter has also prepared the charts in the book and assisted in locating supplementary information, compiling the index and glossary and checking the proofs.

In order to ensure factual accuracy most of the material in the volume was shown in draft form to the departments and offices concerned. The responsibility for the form and contents of the chapters, however, is solely that of the Regional Branch.

It is hoped that the present publication will provide a useful reference work for the study of the administrative system in Maharashtra not only to students of public administration, public officials and members of the legislature, but also to the ordinary citizen who takes an intelligent interest in the work of government. Though changes in administrative arrangements will continue to take place from time to time the outline given here should provide an adequate guide for the understanding of the essentials of the present organisation.

tion. Suggestions for improvement in the publication will be gratefully received and carefully considered in preparing subsequent editions.

The Regional Branch would like to record its sense of gratitude to the Indian Institute of Public Administration, New Delhi, for its liberal financial assistance towards the completion of the work and particularly to Prof. V. K. N. Menon. The thanks of the Branch are specially due to Shri B. J. Israel and Shri V. S. Tilak for the competence and painstaking care with which they have produced this volume out of a mass of assorted data of varying degrees of completeness and accuracy. The Branch would also like to thank Prof. S. V. Kogekar for kindly going through the manuscript and making a number of valuable suggestions. Shri D. B. Chandavarkar, Under Secretary to the Government of Maharashtra and dealing with the work of the Administrative Reorganisation Committee, has also rendered valuable assistance in the preparation of the volume and the thanks of the Branch are due to him as well as Shri N. S. Patil.

Thanks to an undertaking from the Government of Maharashtra to purchase a very considerable number of copies of the volume for official use, the publishers have been able to fix a sale price substantially lower than that which would otherwise be chargeable. The Branch is grateful to the State Government for this, and also for the supply of the basic material and for the ready cooperation of the Secretariat Departments in providing additional information and in scrutinising the preliminary draft of the volume.

N. S. PARDASANI

Honorary Secretary

Bombay
March, 1965.

Indian Institute of Public Administration
Maharashtra Regional Branch

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PART I

INTRODUCTORY

CHAPTER ONE

MAHARASHTRA STATE : LAND AND PEOPLE

Geography

Maharashtra State, lying between 22.1 and 16.4 degrees North latitude and 72.6 and 80.9 degrees East longitude, is situated on the west coast of India. The area of the State is 3,06,345 square kilometres (1,19,000 square miles) which is 9.4 per cent of the area of India and its total population according to the census of 1961 is 39.5 million, which also is about 9 per cent of the population of the country. In shape it is an uneasy right-angled triangle but the right angle in the north-west has been broken in by the Surat District of Gujarat State and there is a sumptuous bump at the eastern extremity comprising Chanda District with its precious forests and substantial deposits of coal and manganese. The western coast is practically a straight line and the sea, with the long range of Sahyadri nearby, has made the intervening tract of Konkan a scene of enchanting beauty. On the north side lie the Satpuda mountains and the Balaghat range which is practically a continuation of the Satmala range of Sahyadri. In fact, Sahyadri throws its arms across the central plateau of Maharashtra which is high land known for its salubrious climate throughout the year. The three rivers, Godavari, Bhima and Krishna, taking their rise from Sahyadri and flowing eastwards, have been rightly described by a poet as the lines on Maharashtra's forehead which bring it what fertility the solid Deccan trap can possess. Similarly, Wardha and Wainganga can be called the lines on Vidarbha's forehead. The Tapi, rising in the Satpudas, with Purna flowing into it, makes the western part of Vidarbha and Khandesh a very fertile tract known for its black cotton soil.

Boundary changes

The State of Maharashtra took its present shape on 1st May 1960 when the bilingual State of Bombay was divided into Gujarat and Maharashtra. Its present territories, prior to the wide-spread reorganisation of States in 1956, were included in three different States, viz. Western Maharashtra in the State of Bombay, Vidarbha in the State of Madhya Pradesh and Marathwada in the State of Hyderabad. The reorganisation of 1956 was preceded by a long process of territorial changes which may be said to have started in 1919 when the Montagu-Chelmsford reforms came into operation. Prior to 1919 Western Maharashtra formed part of the Bombay Presidency, which consisted of an extensive geographical region comprising areas administered direct by the Government of Bombay as well as hundreds of Indian States, of which the most important were Baroda and Kolhapur. The directly administered areas were Sind, Gujarat, Khandesh, Konkan, Desh

and Karnatak, consisting of four Kannada-speaking districts. In addition, Aden on the southern tip of the Arabian peninsula was administered from Bombay as a part of the Presidency. The Indian States were self-governing entities in subordinate relation to the Government of Bombay, which functioned as the agent of the Government of India. The officials immediately responsible for supervision over the States were Residents at Baroda and Kolhapur, an Agent to the Governor at Rajkot for the Kathiawar States (later named the States of Western India and now called Saurashtra), a Political Agent for a group of States in Gujarat called Mahi Kantha, and the Collectors of adjoining districts for individual States or groups of States with the designation of Political Agent. In 1920 the Kathiawar States of Western India and Baroda were placed in direct relation with the Government of India and ceased to be the responsibility of the Government of Bombay. In the early thirties, Aden was separated from the Bombay Presidency and was administered as a separate territory from the Centre. About the same time the Government of India took over direct responsibility for the conduct of relations with the remaining Indian States within the geographical limits of the Bombay Presidency, and officers of the Provincial Government ceased to be Political Agents. In 1936 Sind was detached from the Bombay Presidency and made an independent province in preparation for the coming into operation of provincial autonomy under the Government of India Act, 1935. In 1948 the States within the geographical limits of the Bombay Presidency, including Baroda and Kolhapur, were integrated with the directly administered areas. On the eve of the reorganisation of States in 1956, the State of Bombay (which was the name given in the Constitution of India to the Bombay Presidency) comprised nine districts in the north which were predominantly Gujarati-speaking, twelve districts in the centre and Greater Bombay which were predominantly Marathi-speaking, and four districts in the south which were predominantly Kannada-speaking. Vidarbha formed part of the Central Provinces and Berar, which became in 1950 the State of Madhya Pradesh, and Marathwada formed part of the Indian State of Hyderabad, which became in 1950 the Part B State of Hyderabad. The new State of Bombay formed in 1956 comprised (a) all the area of the old State of Bombay with the exception of one taluka of Sabar Kantha District which was transferred to Rajasthan State and the four Kannada-speaking districts which were transferred to Mysore State after detaching one Marathi-speaking taluka from one of the districts, (b) Vidarbha, consisting of eight Marathi-speaking districts from the former Madhya Pradesh State, (c) Marathwada, consisting of five Marathi-speaking districts from the former Hyderabad State, (d) the whole Part B State of Saurashtra comprising four Gujarati-speaking districts formed by a union of the former Indian States of Western India and (e) the whole Part C State of Kutch constituting a single Gujarati-speaking district. In 1960 all the Gujarati-speaking areas, comprising fourteen districts in all, were separated to form the State of Gujarat, leaving in the State of Bombay, now redesignated as the State of Maharashtra, the twelve

Marathi-speaking districts and Greater Bombay which belonged to the old Bombay State and which are collectively known either as Western Maharashtra or as the former Bombay area of the State, the eight districts collectively known as Vidarbha and the five districts collectively known as Marathwada.

Present territorial arrangements

The State of Maharashtra, therefore, now consists of twenty-six districts, counting Greater Bombay, comprising the City of Bombay and the Bombay Suburban District, as a single district. These districts are the basic units for purposes of revenue administration and for many other administrative purposes. They are also the basic units for statistical and demographic purposes. Excepting the City of Bombay, the districts are further sub-divided into talukas or tahsils and mahals, which number 229 in all. The districts are grouped into four administrative divisions. Two of these divisions, viz. the Bombay and Poona Divisions, cover the area of Western Maharashtra, one division, viz. the Nagpur Division, covers Vidarbha and the fourth division, viz. the Aurangabad Division, covers Marathwada. The Bombay Division consists of Greater Bombay and Dhulia, Jalgaon, Kolaba, Nasik, Ratnagiri and Thana districts. The Poona Division consists of Ahmednagar, Kolhapur, Poona, Sangli, Satara and Sholapur districts. The Nagpur Division consists of Akola, Amravati, Bhandara, Buldhana, Chanda, Nagpur, Wardha and Yeotmal districts. The Aurangabad Division consists of Aurangabad, Bhir, Nanded, Osmanabad and Parbhani districts. As the revenue laws and some other statutes in Vidarbha and in Marathwada differ from those in operation in Western Maharashtra this distribution of districts ensures that the same laws are applicable within each administrative division. There is, however, one exception to this. In the Rajura Tahsil of Chanda District in the Nagpur Division several old Hyderabad laws continue to operate, as the tahsil was prior to 1956 part of the Adilabad District of old Hyderabad State. The special administrative arrangements made to deal with this situation are explained in Chapter 7. Though this pattern of divisions and districts is followed in the organisation of several executive departments of the State Government, there are some departments which have a different territorial distribution of their administrative units. These different arrangements are described at the appropriate places in Part III.

Agricultural conditions

Maharashtra as a whole must be considered a State of unyielding soil where the hardy peasant has to secure his living by constant toil. The area under food grains in the State is 13 lakh hectares, which is 11 per cent of the corresponding area in India as a whole, but the outturn is only 8.6 per cent of the outturn in India. The staple food of the people consists of the

coarser food grains like jawar, bajra and maize, rather than wheat and rice. It is true that Maharashtra has valuable cash crops like cotton, groundnut, tobacco and sugarcane. But it is only in sugarcane that Maharashtra gets a larger outturn in proportion to area sown than the rest of India as a result of favourable climatic conditions and better cultivation. The relative poverty of agriculture is partly due to the fact that, of the area sown, only 5.4 per cent is under irrigation. It has been estimated that, even if the irrigation potential is fully exploited, not more than 26 per cent of the cultivable area can be covered. Nor is the rainfall particularly favourable. Except for Konkan and three eastern districts of Vidarbha, the annual rainfall ranges between 600 and 875 millimetres, and at places it is even less. Moreover, it is practically restricted to a single monsoon of four months.

Other natural resources

Nor are the other natural resources of the State particularly rich. The area under forests is 63,513 square kilometres, which is just 8.1 per cent of the forest area in the whole of India. The mineral production in comparison with that in some other parts of India is small, the main minerals produced in 1962 being 9.39 lakh tonnes of coal, 3.56 lakh tonnes of iron ore, 1.60 lakh tonnes of manganese ore and 4.14 lakh tonnes of salt, compared with all-India production of 613.40 lakh tonnes of coal, 131.79 lakh tonnes of iron ore, 11.86 lakh tonnes of manganese ore and 38.49 lakh tonnes of salt. Other minerals like chromite, lime stone, china clay, ochre and bauxite are produced in negligible quantities compared to production in the rest of India, though possibilities exist for increased production, particularly of bauxite.

Industrial and commercial position

In spite of moderate natural resources, Maharashtra State is in several respects in the van of progress in India. Of the total number of joint-stock companies in India 21.3 per cent are in Maharashtra State, and of the total productive capital 23.9 per cent belongs to Maharashtra. Of the total number of banking offices in India 17 per cent are in Maharashtra. Of the electricity consumed in India 18.8 per cent is consumed in Maharashtra. Of the factories in India, 20 per cent are in Maharashtra. Of the value added by manufacture, 28.8 per cent is added by manufacture in Maharashtra. The production of yarn is 30 per cent and of cloth 36.4 per cent of the total production in India. Finally, against a *per capita* income of Rs. 317 in the whole of India, the *per capita* income in Maharashtra is Rs. 369. All this may give an impression that Maharashtra is highly industrialised and that, consequently, the people must be prosperous. But this is misleading, since these statistics are largely weighted by the wholly exceptional level of development of the headquarters of Maharashtra, Greater Bombay. The concentration of industrial and commercial activity in Greater Bombay means an uneven distribution of the social

benefits of industrialisation, though it is true that the contribution of Greater Bombay to the finances of the State is correspondingly high, and much of this contribution is utilised to promote development in the more backward areas of the State. Another factor which has to be taken into account is the cosmopolitan character of Greater Bombay. It has attracted financiers and industrial entrepreneurs from all parts of India. If we look to the social structure of the people of Maharashtra we shall find that there are very few industrialists and business men among those who can be classified as Marathas. Except in Konkan which has some indigenous Vaishyas, there are no trading communities among the Marathas. Even in the days of Maratha rule, commercial classes were imported into Maharashtra from outside, and the sons of the soil preferred to be busy in fighting their battles and tilling the soil when time permitted them to do so.

Population distribution

The urban areas of the State are classified, for demographic purposes, as cities with populations of not less than a lakh each and towns with populations below a lakh each. The rural areas consist of revenue and forest villages. According to the census of 1961, there are 12 cities, 254 towns and 38,867 villages in the State. The urban population numbers 11.16 million (4.15 million in Greater Bombay alone), and constitutes 28.2 per cent of the total population of 39.5 million. Both in absolute terms and in relation to total population, Maharashtra has the highest urban population in India. But though more highly urbanised, Maharashtra has a somewhat lower density of population than India as a whole, the density being 129 per square kilometre as compared with a density of 143 per square kilometre for the whole of India. Excluding Greater Bombay, with a density of 9,480 per square kilometre, the density varies from 193 per square kilometre in Kolhapur District to 47 per square kilometre in Chanda District. Densities over 150 per square kilometre exist in Thana, Kolaba, Jalgaon, Poona, Kolhapur and Nagpur districts, while densities below 96 per square kilometre exist in Aurangabad, Parbhani, Bhir, Yeotmal and Chanda districts.

Scheduled Castes and Scheduled Tribes

Of the total population of 39.5 million, the Scheduled Castes number 2.23 million and the Scheduled Tribes number 2.40 million. While the Scheduled Castes are dispersed throughout the State, only Thana, Kolaba and Wardha districts having less than 25,000 each, and while a fair proportion are resident in urban areas and thus in a position to share the higher amenities of these areas, the Scheduled Tribes are almost wholly concentrated in compact rural areas in Thana, Nasik, Dhulia, Chanda and Yeotmal districts. Smaller concentrations exist in Kolaba, Jalgaon, Poona, Ahmednagar, Amravati and Nanded districts. Their numbers in urban areas are comparatively negligible.

Large areas in Dhulia, Thana, Nasik, Amravati and Chanda districts have been declared Scheduled Areas under the Constitution for the protection of the Scheduled Tribes resident in the areas, but even outside the Scheduled Areas special administrative arrangements exist for the amelioration of the conditions of the Scheduled Tribe population, as they do for the Scheduled Caste population.

Literacy

Though the percentage of literacy in Maharashtra, viz. 29.8 (42 for males and 16.8 for females), is somewhat higher than that for India as a whole, viz. 24 (34.4 for males and 12.9 for females), there are great variations in the literacy rate in different areas in the State. Greater Bombay is in a class by itself, with a literacy rate of 58.6. Excluding Bombay, the highest rate of literacy is in the six districts of Poona Division, viz. 29.3; next are the six districts of Bombay Division, excluding Greater Bombay, with 28.3; then come the eight districts of Nagpur Division with 27.9, though Chanda District in that division has a rate of only 17.3; lowest in the scale are the five districts of Aurangabad Division with 16.3. It will be seen that a compact area of low literacy, consisting of some six districts, considerably depresses the percentage of literacy in the State as a whole. An interesting feature of the literacy figures is the correlation between high total literacy and comparatively high female literacy. With only a few exceptions, districts with high literacy rates have a better ratio of female to male literacy than districts with low literacy rates. Another interesting feature of the literacy figures is the wide disparity between urban and rural areas. While 51.75 per cent of the urban population is literate (61.61 per cent males and 37.52 per cent females), only 21.48 per cent of the rural population is literate (33.52 per cent males and 9.32 per cent females). As the rural population constitutes 71.78 per cent of the total population, the magnitude of the task of carrying out a crash programme of compulsory primary education for children upto the age of fourteen which will ensure a satisfactory minimum standard of literacy and remove the danger of lapse into illiteracy will be apparent, to say nothing about the problem of adult education.

Languages

According to the census of 1961 76.44 per cent of the total population have Marathi as their mother tongue. The more important linguistic minority groups making up the remaining 23.56 per cent of the population are as

follows (separate figures have been given for Greater Bombay in view of its cosmopolitan character):

| <i>Language</i> | <i>Greater Bombay</i> | <i>Whole of Maharashtra</i> | <i>Percentage of total population</i> |
|-----------------|---------------------------|---------------------------------|---|
| Urdu | 401,616 | 2,725,689 | 6.89 |
| Hindi | 330,529 | 1,088,927 | 2.75 |
| Gujarati | 792,771 | 1,067,509 | 2.70 |
| Kannada | 82,832 | 629,583 | 1.59 |
| Telugu | 97,993 | 623,803 | 1.58 |
| Sindhi | 94,897 | 295,131 | 0.75 |
| Konkani | 192,773 | 210,810 | 0.53 |
| Tamil | 104,387 | 159,396 | 0.40 |
| Punjabi | 54,011 | 101,317 | 0.26 |

Other languages returned as the mother tongue by less than 100,000 persons but more than 25,000 persons are Malayalam (90,459), English (60,423), Kachchi (45,576) and Bengali (29,114). These figures have significance in view of the provisions of article 350A of the Constitution of India enjoining on the States the duty of endeavouring to provide adequate facilities to children belonging to linguistic minority groups for instruction in the mother tongue at the primary stage.

CHAPTER TWO

CONSTITUTIONAL SET UP

Maharashtra's place in the Union of India

The State of Maharashtra is one of the sixteen States which, along with nine Union territories, go to form the Union of India. The Constitution of India is in many important respects federal in character. As in other federal constitutions the responsibilities of government are divided between the Central Government and the Governments of the different States and, therefore, in each State there are two governmental authorities functioning simultaneously. In this book we are concerned primarily with the State Government in Maharashtra. We are concerned with the Central Government only to the extent to which the Constitution provides for its intervention in the State sphere.

Character of States in Indian Union

Before proceeding further it may be explained that the term 'State' may be used either to refer to a specified geographical area which is under the jurisdiction of a single sovereign authority, or to refer to the sovereign authority itself. In the Constitution of India the term is used in both the senses given above, and it depends on the context whether, in any particular provision, it is to be interpreted in the first sense or in the second. The various States in India do not have constitutions of their own. There is only a single constitution governing the Union as well as individual States and the machinery of government in the States is prescribed in this single constitution. Again, the Constitution of India provides for a unitary judiciary, for some common all-India services, and for the imposition and collection of certain taxes by the Union to be shared by the Union and the States or to be distributed in specified shares among the States. Moreover, as we shall see, the Union authorities in India have extensive powers of action or intervention in the State sphere of responsibility. On the other hand, the States in the Union of India have several characteristics of sovereign States. Though the executive authority of the State is vested in a Governor who is nominated by the President, the Governor has to act with the aid and advice of a council of ministers which is collectively responsible to the lower House of the State Legislature, and this lower House is elected on the basis of adult franchise. Within their own sphere the States have power to make and enforce laws and to levy taxation. In some important matters, the States have powers to veto constitutional changes, even though no single State can exercise this power by itself. Further, in several matters, legislation can be undertaken in

Parliament only after giving an opportunity to the legislatures of the States to express their views.

Functions of Central Government

Though we are not concerned with the functioning of the Central Government in the territorial limits of Maharashtra, it is necessary to describe briefly the constitutional provisions relating to the distribution of functions and responsibilities and also the institutional machinery through which Union-State relations are regulated. So far as functions are concerned, these are controlled by the legislative lists given in the Seventh Schedule to the Constitution of India. These lists govern the respective powers of Parliament and the State Legislatures to make laws and also serve to define the extent of the executive authority of the Union and the several States. List I in the Schedule names the subjects which are the exclusive concern of the Union, whether in the legislative or the executive sphere. The main subjects in the Union sphere are defence; armed forces; atomic energy; foreign affairs; war and peace; citizenship; railways; national highways; posts and telegraphs; currency and coinage; foreign loans; Reserve Bank of India; trade and commerce with foreign countries or between the States of the Union; trading corporations; banking; insurance; stock exchanges and futures markets; industries of national importance; oil fields and mineral development so far as the national interest requires central control; scientific, cultural or educational institutions of national importance; patents, inventions and designs; copyright; establishment of standard weights and measures; union agencies for professional, technical and vocational training, and for promotion of special studies or research; ancient and historical monuments of national importance; census; inter-State migration; Union public services and all-India services; accounts and audit of the Union and of the States; constitution, organisation, jurisdiction and powers of the Supreme Court; constitution and powers of the High Courts; elections to Parliament and to the legislatures of the States; elections to the offices of President and Vice-President; income tax; duties of customs; duties of excise, with a few exceptions, and certain other taxes. In the case of taxation it must be explained that the Constitution provides that the net proceeds of income tax should be shared between the Union and the several States and that the net proceeds of certain other taxes should go in full to the States, even though they are imposed by Parliament and collected by the Central Government.

President of India

The executive power of the Union as well as the supreme command of the defence forces of the Union are vested in the President of India, who is elected for a term of five years by an electoral college consisting of the elected members of both Houses of Parliament and the elected members

of the Legislative Assemblies of the States. Uniformity in the scale of representation of the different States and parity between the States as a whole and the Union is secured by suitable adjustments in the number of votes each member may cast.

Vice-President of India

The Constitution provides for the election by the members of both Houses of Parliament of a Vice-President, who also holds office for a term of five years. The Vice-President acts as President during casual vacancies in the office of President due to death, resignation or removal until a new President duly elected enters upon his office. He also discharges the functions of the President during periods in which the President is unable to do so owing to absence, illness or any other cause. By virtue of his office the Vice-President is Chairman of the Council of States but cannot perform the duties of this office during any period when he is acting as or discharging the functions of the President.

Central Council of Ministers

The President exercises his functions under the Constitution with the aid and advice of a council of ministers with the Prime Minister at the head. The Council of Ministers is collectively responsible to the House of the People, and, in effect, though all executive action is taken in the name of the President, his constitutional position is that of a Head of State in a parliamentary democracy.

Parliament

Parliament, or the Legislature for the Union, consists of the President and two Houses known as the Council of States and the House of the People. The functions of the President in the parliamentary sphere relate mainly to summoning and addressing Parliament and of giving assent to legislation passed by Parliament. The Council of States consists of 12 members nominated by the President and not more than 238 representatives of the States and of the Union territories, the representatives of the States being elected by the elected members of the Legislative Assemblies of the States. The House of the People consists of not more than 500 members elected on the basis of adult franchise by territorial constituencies in the States and not more than 20 members representing Union territories chosen in such manner as Parliament may by law provide. It is not necessary for our purpose to dilate on the functions of Parliament and its relations with, and control over, the Executive. Its powers and functions so far as they impinge on the State field of responsibility will be described presently.

Judiciary in Union sphere: Supreme Court

As mentioned above, India has a unified judiciary. Though the highest judicial authority, the Supreme Court of India, is provided for in Part V of the Constitution relating to the Union, while the High Courts in the States and subordinate courts are provided for in Part VI of the Constitution relating to the States, they form links in a single chain from the lowest court to the highest. In some other federal States there are separate courts at all levels for dealing with matters arising in the federal field and in the State field, though in constitutional matters the highest federal court may exercise appellate jurisdiction over the State courts. In India, however, there is only one set of courts, civil as well as criminal, though provision exists in the Constitution for Parliament to provide by law for the establishment of additional or special courts for the better administration of laws with respect to matters enumerated in the Union list of subjects. This power has been used to set up special tribunals or courts similar to those set up in the State field by laws passed by the State Legislature without materially affecting the jurisdiction of the ordinary civil and criminal courts. Though there is a unified judiciary, there is a clear demarcation of legislative and executive authority in the judicial field between the Union and the States. The Supreme Court of India is wholly in the Union field of legislation and executive action. The High Courts are in the Union field so far as constitution and organisation are concerned but in the State field so far as officers and servants of the High Court are concerned. Lower courts are entirely in the State field. The Supreme Court is the highest court of appeal from judgements of High Courts in the States. But it also has original jurisdiction in several respects. By virtue of article 32 of the Constitution, proceedings may be instituted in the Supreme Court without prior resort to any lower court for the enforcement of fundamental rights, though such proceedings in High Courts are not barred. To the exclusion of any other court, the Supreme Court has jurisdiction in disputes between (a) the Government of India and one or more States, (b) the Government of India and one or more States on one side and one or more States on the other, and (c) two or more States. The law declared by the Supreme Court is binding on all courts, and all authorities, civil and judicial, are required to act in aid of the Court. The President, if it appears to him that a question of law or fact has arisen or is likely to arise which is of such a nature and of such public importance as to make it expedient to obtain the opinion of the Supreme Court on it, may refer the question to the Court for consideration and the Court may, after such hearing as it thinks fit, report its opinion to the President.

Other Union constitutional authorities

There are certain Union authorities established under the Constitution, such as the Comptroller and Auditor-General, the Election Commission, the Union Public Service Commission, the Special Officer for Scheduled Castes

and Scheduled Tribes and the Special Officer for Linguistic Minorities. These authorities have been given jurisdiction or functions in the State field of responsibility. The functions of the Comptroller and Auditor-General in respect of the accounts of the State are described in Chapter 19 and the functions of the Election Commission in respect of elections to the State Legislature are described in Chapter 26. The Union Public Service Commission advises the Government of India in respect of appointments to the services of the Union and all-India services and in respect of certain other matters relating to these services. In so far as the all-India services provide personnel to man appointments under the State Governments it functions also in the State sphere of responsibility and, in particular, the State Government has to take the advice of the Commission before imposing certain penalties on members of all-India Services serving in the State. At the request of the Government of the State and with the approval of the President, the Commission may agree to serve all or any of the needs of the State in lieu of, or in addition to, the State Public Service Commission. The Special Officer for Scheduled Castes and Scheduled Tribes is entrusted with the duty of investigating all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and of reporting to the President on the working of the safeguards at such intervals as the President may direct. The Special Officer for Linguistic Minorities has similar duties in respect of linguistic minorities. Though neither of these officers has any executive authority, their reports are placed before Parliament with statements of the action taken on their recommendations and the State Government has, in practice, to take adequate measures to see that its administration does not invite adverse comment in the reports of the officers. In certain matters, the reports of the officers may also lead to the issue of directives to a State by the President or by the Union.

Functions of the States in Indian Union

The field of responsibility of the State is made up of matters enumerated in List II in the Seventh Schedule to the Constitution of India (the State List), which are the exclusive concern of the State, and of matters enumerated in List III in the same Schedule (the Concurrent List), which are within the legislative competence of Parliament as well as the State Legislature and which, though they are normally within the executive authority of the State, may, if Parliament by law so provides, come under the executive authority of the Union either in lieu of, or in addition to, the executive authority of the State. The more important of the subjects in the State List are public order, excluding the use of the armed forces of the Union in aid of civil power; police; administration of justice; the constitution and powers of all courts except the High Court; the officers and servants of the High Court; prisons; reformatories and borstal schools; local government, excepting cantonment authorities; public health and sanitation, including hospitals and dispensaries; intoxicating liquors;

relief of the disabled and unemployable; education, subject to the exclusion of matters which are made a Union responsibility; libraries; museums and similar institutions; ancient and historical monuments and records, excepting those declared to be of national importance; communications other than those which are a Union responsibility; agriculture; animal husbandry; water supplies; irrigation, water storage and water power; land, including rights in or over land; land tenures; land improvement and colonisation; forests; protection of wild animals and birds; fisheries; regulation of mines and mineral development subject to the provisions of the Union List; industries, subject to the same reservation; trade and commerce within the State and production, supply and distribution of goods, both subject to the provisions of the Concurrent List; money-lending and money-lenders; markets and fairs; weights and measures, except for the establishment of standards; corporations, societies and associations, including cooperative societies; theatres and dramatic performances; sports, entertainments and amusements; betting and gambling; elections to the State Legislature, subject to the provisions of any law made by Parliament; State public services and State Public Service Commission; public debt of the State; land revenue; maintenance of land records; survey for revenue purposes; taxes on agricultural income; succession and estate duties in respect of agricultural land; taxes on lands and buildings; taxes on consumption or sale of electricity, sale or purchase of goods, goods and passengers carried by road, vehicles, animals and boats and on professions, trades, callings and employments; taxes on mineral rights; duties of excise on alcoholic liquors for human consumption, opium and other narcotics; taxes on entry of goods into local areas; tolls; capitation taxes; taxes on luxuries, entertainments, betting and gambling; and rates of stamp duty in respect of certain documents. The subjects in the Concurrent List include, among others, criminal law; criminal procedure; preventive detention for certain reasons; marriage and divorce; infants and minors; wills, intestacy and succession; matters of personal law; transfer of property; registration of deeds and documents; contracts; actionable wrongs; bankruptcy; trusts; evidence and oaths; civil procedure; contempt of court, excluding contempt of the Supreme Court; vagrancy; nomadic and migratory tribes; lunacy and mental deficiency; adulteration of foodstuffs and other goods; drugs and poisons; economic and social planning; trade unions; industrial and labour disputes; social security and social insurance; employment and unemployment; welfare of labour; legal, medical and other professions; charities and charitable institutions; vital statistics; minor ports; navigation on inland waterways; trade and commerce in and production, supply and distribution of certain products; price control; mechanically propelled vehicles; factories; boilers; electricity; newspapers; books and printing presses; and acquisition and requisitioning of property. So far as matters in the State List are concerned, the executive authority of the State is unqualified, except to the extent to which the Union or Union authorities are expressly empowered by the Constitution to intervene for strictly defined purposes. The nature and extent of this intervention will be

described later in this chapter. The State Legislature also has exclusive power to make laws on these matters, again subject to powers expressly conferred on Parliament to be exercised in strictly limited circumstances. So far as matters in the Concurrent List are concerned, they are ordinarily within the executive authority of the State, except in so far as Parliament has by law provided for the exercise of executive authority by the Union or by an officer or authority of the Union. To the extent that authority is exercised by the Union or an officer or authority of the Union the executive authority of the State is limited or qualified. As regards legislation, both Parliament and the State Legislature are competent to legislate in the concurrent field, but a law passed by Parliament prevails over a law passed by the State Legislature if there is inconsistency between the two, whether the law made by Parliament was passed before or after the law made by the State Legislature. If, however, a law made by the State Legislature was reserved for the consideration, and received the assent, of the President, it prevails in the State over an earlier law made by Parliament on the same subject. Subsequent legislation by Parliament on the same subject is permissible and such legislation will prevail over the law passed by the State Legislature, despite the President's assent. Here again, subsequent legislation on the same subject passed by the State Legislature and assented to by the President will prevail over the law made by Parliament.

Governor

The executive power of the State is vested in the Governor who is appointed by the President. The Governor holds office during the pleasure of the President and, though the appointment is normally for a term of five years, he may be removed at any time if he loses the confidence of the President. As the President acts with the aid and advice of his Council of Ministers, this means that the Government of India determines who shall be the head of the Executive in the State.

Council of Ministers

As in the case of the President, though the Constitution provides that the executive power of the State may be exercised by the Governor himself or through officers subordinate to him and also provides that all executive action of the government shall be expressed to be taken in the name of the Governor, it also requires him to exercise his functions with the aid and advice of a council of ministers with the Chief Minister at the head, except in so far as he is by or under the Constitution required to exercise his functions in his discretion. Effective authority, therefore, rests with the Council of Ministers, as in other parliamentary democracies, except when a proclamation has been issued by the President under article 356 of the Constitution as a

result of failure of the constitutional machinery in the State and all or any of the functions of the government of the State have been assumed by the President. When this happens, the Governor may assume direct responsibility if the President so orders, subject to the control of the Union. The provisions of the Constitution relating to the Council of Ministers are substantially similar to those at the Centre. The constitution and working of the Council of Ministers and its relations with the Governor on the one hand and the State Legislature on the other are described in Chapter 3.

State Legislature

The State Legislature consists of the Governor and two Houses, one known as the Legislative Council and the other as the Legislative Assembly. As part of the Legislature, the main function of the Governor is the giving of assent to Bills passed by the Legislature. He also has certain independent powers of legislation through the issue of ordinances between sessions of the State Legislature and of regulations having the force of law for the good government of Scheduled Areas in the State, i.e. areas specified as such by order of the President or by Act of Parliament because they contain large concentrations of tribal population. These functions and powers, as well as the constitution, functions and powers of the two Houses of the State Legislature, are described in Part VII.

High Court and State Public Service Commission

In addition to the Executive and the Legislature, the Constitution provides for a High Court for the State, which is given control over all subordinate courts and which is required to be consulted in respect of the appointment of district judges and in respect of rules governing the appointment of other judicial officers. The Constitution also provides for the appointment of a Public Service Commission for the State with certain functions relating to the public services of the State, unless, with the assent of the President, the Union Public Service Commission is entrusted with the work or unless the needs of the State are met by a Joint Public Service Commission constituted by law of Parliament at the request of the State Government in conjunction with one or more other State Governments. The constitution and functions of the High Court and courts subordinate to it are described in Part VI. The constitution and functions of the State Public Service Commission are described in Chapter 17 of Part IV.

Intervention by Union in State sphere

Mention has been made of the intervention of the Union in the field of responsibility of the State. Such intervention by authorities and agencies of

the Union is provided for in the Constitution for a variety of purposes, such as ensuring that the smooth execution of Union responsibilities is not impeded, that freedom of trade and inter-State commerce is not impaired, that the Scheduled Tribes and the areas in which they reside are not neglected, that inter-State disputes are settled in an orderly manner, that linguistic minorities do not suffer, that adequate action is taken when the security of the country is affected by external aggression or internal disorder, or by threat of such aggression or disorder, that a breakdown of the constitutional machinery in a State does not result in administrative chaos and that financial stability is maintained. Intervention may be in the form of special powers conferred on the President or a requirement to secure his approval or consent to certain State measures. It may take the form of extending the executive powers of the Union to the giving of directions to the State. It may take the form of enlarging the jurisdiction of Parliament. Finally it may take the form of conferring jurisdiction on certain Union authorities in the State sphere.

Power of President relating to legislation

In the field of legislation, the previous sanction of the President is required to the State Legislature taking into consideration any law which imposes reasonable restrictions in the public interest on the freedom of trade, commerce or intercourse with or within the States. Laws made by the State Legislature relating to the compulsory acquisition or requisition of property for a public purpose or to the imposition of a tax in respect of water or electricity stored, generated, consumed, distributed or sold by a statutory authority responsible for developing an inter-State river or river-valley do not have effect unless they have been reserved by the Governor for the consideration of the President and have received his assent. When legislation is reserved for the consideration of the President, it is open to him to declare that he assents or that he withholds his assent or to direct the Governor to return the bill to the State Legislature with a message requesting reconsideration of the Bill or any specified provisions thereof and, in particular, requesting that the State Legislature consider the desirability of introducing any such amendments as may be recommended in the message. The assent of the President is required to regulations made by the Governor for the peace and good government of a Scheduled Area in the State under paragraph 5(2) in the Fifth Schedule to the Constitution of India.

Powers of President in executive field

In the executive field, the President's approval is required for the form which may be prescribed by the Comptroller and Auditor-General for the accounts of the State. He may issue directions to the State to ensure that adequate facilities for instruction in the mother-tongue at the primary stage

are provided to children belonging to linguistic minority groups. He may also, if satisfied that a substantial proportion of the population desire the recognition by the State of the use of any language spoken by them, direct that such language be officially recognised for such purposes as he may specify throughout the State or in any part of the State. The Governor has to take the previous consent of the President before authorising the use in proceedings in the High Court of Hindi or any other language recognised for use for official purposes in the State. An order by the President is required for the removal from office of the Chairman or a Member of the State Public Service Commission even though the power of appointment vests in the Governor. In matters of common interest to two or more States or to the Union and one or more States, the President may establish in the public interest a Council to investigate and discuss, and to make recommendations on such matters and, in particular, recommendations for the better co-ordination of policy and action. Such a Council may also be established to enquire into and advise on disputes between States. A power conferred by the Constitution on the President specifically in respect of Maharashtra State enables him to invest the Governor with special responsibility for establishing separate development boards for Vidarbha, Marathwada and the rest of Maharashtra for the equitable allocation of funds for developmental expenditure, for equitable arrangements in respect of facilities for technical education and vocational training, and for adequate opportunities for employment under the State Government in each of these regions. An order by the President in this respect would make the Governor responsible for using his own judgement in matters of regional development and training and employment opportunities and, where he deems it necessary to do so, to direct action to be taken otherwise than is advised by the Council of Ministers. No use has hitherto been made of this provision in the Constitution.

Emergency powers of President

The remaining powers of intervention of the President are meant for emergency use. If the President is satisfied, on receipt of a report from the Governor or otherwise, that it has become impossible for the government of the State to be carried on in accordance with the provisions of the Constitution, he may by proclamation assume to himself all or any of the functions of the Government of the State and all or any of the powers of the Governor or any other authority in the State, other than the Legislature and the High Court. The powers so assumed continue to vest in the President until the proclamation is revoked or otherwise ceases to operate. In effect, while a proclamation is in force, the State Government is under the control of the Union Government to the extent to which powers are taken over by the President. If the President is satisfied that a situation has arisen whereby the financial stability or credit of India or of any part of the territory of India is threatened, he may issue a proclamation to this effect. So long as such a proclamation is in

operation the jurisdiction of the Union extends over the finances of the State in the manner which will be presently stated. In the event of a threat to the security of India or of any part of its territories, whether by war or external aggression or internal disturbance or by imminent danger of such war, aggression or disturbance, the President may by proclamation declare a state of emergency. Thereupon, in addition to other consequences which will be presently mentioned, the President has power to make such changes as he thinks fit in the constitutional arrangements relating to the distribution of revenues between the Union and the States for the duration of the emergency and a certain period after its end. Under this provision, what are normally State revenues may be taken over or controlled by the Union.

Powers of Union

The powers given to the Union, as distinguished from the President, in the field of State responsibility consist in the giving of directions to the State. Such directions may be designed: (a) to ensure compliance by the State in the exercise of its executive power with the laws made by Parliament; (b) to ensure that the exercise of the executive power of the State does not impede or prejudice the exercise of the executive power of the Union; (c) to ensure the construction and maintenance by the State of means of communication declared to be of national or military importance; (d) to require the State to take specified measures for the protection of railways within the State; (e) to require the State to draw up and execute schemes which are specified as essential for the welfare of Scheduled Tribes in the State. During the pendency of a proclamation of emergency, the executive power of the Union extends to the giving of directions to the State as to the manner in which its executive power is to be exercised. This means that the State Government has to abide by such instructions as the Union Government may issue even in the field of State responsibility. During the pendency of a proclamation of financial emergency, the Union has authority to issue directions to the State to observe such canons of financial propriety as it may specify or such other directions as the President may deem necessary, including directions for a reduction in salaries and allowances or for reservation of all money bills or bills involving expenditure from the consolidated fund of the State for the consideration of the President after they are passed by the State Legislature.

Powers of Parliament

The jurisdiction of Parliament in the field of State responsibility, other than legislating in the concurrent field, consists mainly in the power to confer powers and impose duties, or authorise the conferring of powers and the imposition of duties, upon the State or authorities under the State in matters solely within the Union list of subjects, the Union being liable to meet the

extra administrative costs incurred by the State. By this means, the machinery of the State Government is placed at the disposal of the Union wherever it is found administratively inadvisable to set up special Union executive machinery. Further, in matters in the State list, Parliament may enact legislation if the Council of States resolves by a two-thirds majority that such legislation is necessary or expedient in the national interest, and such legislation may extend to the whole or any part of India. Such legislation has, however, temporary effect only, and requires renewal from time to time. Another power of Parliament which needs mention is that of creating an all-India service if the Council of States by a two-thirds majority resolves that it is necessary or expedient to do so. In exercise of this power, the Central Government has been authorised to constitute an Indian Service of Engineers for Irrigation, Power, Buildings and Roads, an Indian Forest Service and an Indian Medical and Health Service, in addition to the Indian Administrative Service and the Indian Police Service which had been constituted before the Constitution came into force and have been continued by the terms of the Constitution. During the pendency of a proclamation of emergency, Parliament may legislate on any matter in the State list for the whole or any part of India and may confer powers and impose duties in such matters upon the Union or Union officers or authorities. Such legislation, however, expires six months after the termination of the emergency. Another emergency power of legislation in the State field exercisable by Parliament is when the President has taken over responsibility for the State under Article 356 of the Constitution. This power may be exercised by Parliament itself, or Parliament may authorise the President to exercise it or to delegate his power to another authority. Legislation passed under this provision is also temporary in effect and ceases to operate one year after normal Government is restored, unless it is earlier re-enacted by the State Legislature.

Co-ordinating authorities

Apart from constitutional limitations on the authority of the State, considerable influence is exercised over the measures taken by the State in its field of responsibility by such authorities as the Planning Commission, the University Grants Commission, the Central Water and Power Commission, the Indian Council of Medical Research and the Indian Council of Agricultural Research through the financial assistance which they dispense. But these bodies are, in essence, Central agencies of coordination rather than controlling authorities.

PART II

HEADQUARTERS ORGANISATION

CHAPTER THREE

GOVERNOR AND COUNCIL OF MINISTERS

Nature of Executive

The traditional function of the Executive, Federal and State, is to carry on the administration under the law. In the last century or more there has been an extension of responsibility on the part of the Executive from the maintenance of internal law and order, protection from external aggression, the raising of revenue for these purposes and the maintenance of social harmony, to the promotion, through the machinery of the State, of social welfare in the widest possible sense of the term and the provision of services by government agency to the public in every possible field. Subject to law and with due regard to the restrictions imposed on the State by the provisions in the Constitution relating to fundamental rights, it is lawful for the State Government to do anything it deems necessary in the interests of public security and well-being. As will appear from the description of the organisation of the various departments of the government in Part III, the activities of the State Government in the field of social welfare extend not only to services which, on account of their magnitude and the nature of powers needed for their provision, the State alone can cater for, such as means of communication and irrigation, but to services like the running of schools, colleges, hospitals, industrial enterprises and even shops, which are simultaneously provided by private agencies, including voluntary charitable associations of citizens. Article 298 of the Constitution in fact expressly provides that the executive power of the State extends to the carrying on of any trade or business, subject to law. No clear pattern can be traced in the complex web of governmental activity which will lead to the identification of a simple principle of differentiation between legitimate governmental activity and non-governmental activity. All that can be said is that whatever Government actually undertakes is governmental activity. Sometimes no non-government agency may be forthcoming either in the State as a whole or in the more backward areas of the State to undertake a service for which there is a need and Government may step in to provide it. The service may, thereafter, be continued as a permanent measure. Again, the State may open fair price shops in competition with private traders to check anti-social practices. Or Government may consider it necessary to set an example and to stimulate demand for a service which is socially desirable but which the public has to be educated into wanting badly enough to provide it for themselves. Or it may be found desirable for Government to run model institutions as an example to private enterprise. In fine, it is virtually impossible, with the growing extension of governmental activity in the field of social welfare, to formulate any precise definition of the proper sphere of governmental activity unless it be to say

that it is open to the State Government to undertake any activity which it considers to be of benefit to the public.

Branches of Executive

Within the executive arm, it is possible to distinguish three elements. The first is the directing and determining repository of ultimate responsibility, viz. the Governor and the Council of Ministers. The second is the central secretariat machine through which the Governor and the Council of Ministers make their orders and decisions articulate. The third is the manifold field organisation through which effect is given to these orders and decisions, subject to the provisions of the law. In this chapter we are concerned with the first of these, which may be called the central executive of the State.

The Governor and his relations with Council of Ministers

As mentioned in Chapter 2 the repository of the executive power of the State is the Governor who is required to exercise his functions with the aid and advice of the Council of Ministers with the Chief Minister at the head, except in so far as he is by or under the Constitution required to exercise his functions in his discretion. Under the Rules of Business made by the Governor under Article 166(3) of the Constitution, the business of government is allotted among the ministers, and, subject to the provisions of the rules and instructions issued thereunder, the business of government is transacted in the departments of the Secretariat under the control of the ministers concerned. The Governor is, however, kept informed of all decisions of the Council of Ministers relating to the administration of the affairs of the State and of all proposals for legislation. He can call for any information he desires in regard to these. He may also require the Chief Minister to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a minister but which has not been considered by the Council. In the event of failure of the constitutional machinery in the State, he may make a report to the President to enable the President to take action to ensure that the administration of the State is carried on.

Power of Governor to grant pardons etc.

The Constitution has invested the Governor with the sovereign power to grant pardons, reprieves, respites or remissions or commute the sentence of any person convicted of any offence relating to a matter to which the executive power of the State extends.

Governor's additional functions

In addition to his constitutional responsibilities, the Governor is vested by the statutes governing the constitution of the various universities in the

State with the office of Chancellor and, by virtue of holding this office, he exercises certain powers of appointment to offices in these universities and also certain other powers, including powers to order inspections and issue directions.

Personal staff of Governor

The Secretary to the Governor heads the Governor's personal secretariat, which handles the secretarial work pertaining to the Governor's office, including correspondence with Central and State authorities, high officials and private bodies and citizens, and arrangements for tours, visits to institutions and interviews. The office of the Secretary to the Governor includes an Assistant Secretary, a Superintendent, five other ministerial officers and other subordinate staff. It also includes two Personal Assistants and two stenographers who work directly under the Governor. The household of the Governor is under the Comptroller, who is responsible for the maintenance of the Raj Bhavan estates at Bombay, Poona and Nagpur, for the reception of State guests, and for arrangements in connection with parties, entertainments and other functions. The Comptroller is assisted by two *Aides-de-camp* to the Governor and an Assistant Comptroller, eight ministerial officers, and other subordinate staff, including household establishment. There is also a small medical establishment under a gazetted Medical Officer.

Appointment of Chief Minister and Council of Ministers

As mentioned above the Governor is required to take the aid and advice of a council of ministers in the exercise of his functions. The Council consists of the Chief Minister, appointed by the Governor, and of ministers and deputy ministers, appointed by the Governor on the advice of the Chief Minister. The number of ministers and deputy ministers varies from time to time.

Responsibility of Council of Ministers to Legislative Assembly

Though the ministers hold office during the pleasure of the Governor, the Council of Ministers is collectively responsible to the Legislative Assembly of the State and, therefore, so long as it enjoys the confidence of a majority of the members of the Legislative Assembly, it would be difficult to replace if it were dismissed or if it resigned on the Governor failing to accept its advice or on his taking action without consulting it. And because of the responsibility of the Council of Ministers to the Legislative Assembly, the Governor's choice for filling the office of Chief Minister is, in practice, restricted to the leader of the party or combination of parties or groups which has a majority in the Assembly. A minister who ceases to be a member of the Legislature for a period of six months cannot continue as such on the expiration of that period, and, therefore, the Council of Ministers has to be

selected from among persons who have a seat in the Legislative Council or the Legislative Assembly or who expect to secure one within six months of appointment.

Collective responsibility of ministers how expressed

The Constitution stresses the *collective* responsibility of the Council of Ministers and it is in full accordance with this constitutional provision that, though for administrative convenience the business of the Government is allotted by the Governor, on the advice of the Chief Minister, among the ministers by assigning one or more departments of the Secretariat or subjects dealt with in the departments to the charge of a minister, the Rules of Business provide that the Council is *collectively* responsible for all advice tendered to the Governor, whether by an individual minister on a matter appertaining to his portfolio or as the result of a discussion at a meeting of the Council or otherwise. Further, unlike in some other countries (the United Kingdom of Great Britain for instance), all legislation confers powers on, or assigns functions to, the State Government as such and not individual ministers. Decisions and orders are also always issued as those of the State Government and not those of particular ministers. In this respect the constitutional principle of collective responsibility is also in accordance with the centuries-old tradition of issuing orders in the name of the Governor-in-Council prior to 1937.

Portfolios of ministers

Though the Rules of Business contemplate that one or more departments of the Secretariat should be assigned to the charge of a minister, they also permit of one department being assigned to the charge of more than one minister. Accordingly, there is considerable flexibility in the matter of constituting the portfolios of the ministers and changes in the distribution of business can be made as need arises without affecting the constitution of the departments. As on 1st September 1964 the allocation of departments among the ministers was as follows:—

| | |
|--------------------------------|---|
| Chief Minister | General Administration Department (except Tourism), Revenue and Forests Department (except Forests and Waqfs), and Finance Department (so far as Planning is concerned) |
| Minister for Home | Home Department (except Prohibition) |
| Minister for Rural Development | Rural Development Department |
| Minister for Agriculture | Agriculture, Food and Cooperation Department (so far as Agriculture is concerned, but excluding Fisheries) |

| | |
|--|--|
| Minister for Public Health, Law and Judiciary | Urban Development and Public Health Department (so far as Public Health is concerned) and Law and Judiciary Department |
| Minister for Finance | Finance Department (excepting Planning and Small Savings) |
| Minister for Irrigation and Power and Buildings and Communications | Irrigation and Power Department and Buildings and Communications Department |
| Minister for Industries and Electricity | Industries and Labour Department (so far as Industries and Electricity are concerned, but excluding Printing Presses) |
| Minister for Food, Civil Supplies, Housing, Printing Presses, Fisheries, Small Savings and Tourism | Agriculture, Food and Cooperation Department (so far as Food, Civil Supplies and Fisheries are concerned), Urban Development and Public Health Department (so far as Housing is concerned), Industries and Labour Department (so far as Printing Presses are concerned), Finance Department (so far as Small Savings are concerned) and General Administration Department (so far as Tourism is concerned) |
| Minister for Prohibition | Home Department (so far as Prohibition is concerned) |
| Minister for Social Welfare | Education and Social Welfare Department (so far as Social Welfare is concerned) |
| Minister for Education and Forests | Education and Social Welfare Department (so far as Education is concerned) and Revenue and Forests Department (so far as Forests are concerned) |
| Minister for Cooperation | Agriculture, Food and Cooperation Department (so far as Co-operation is concerned) |
| Minister for Labour | Industries and Labour Department (so far as Labour is concerned) |
| Minister for Urban Development and Waqfs | Urban Development and Public Health Department (so far as Urban Development is concerned) and Revenue and Forests Department (so far as Waqfs are concerned) |

Functions of deputy ministers

The deputy ministers assist the ministers concerned in their legislative and administrative duties, but not every department or subject is allocated to a deputy minister and a single deputy minister may be put in charge of subjects with which two or more ministers are concerned.

Portfolios of deputy ministers

As on 1st September 1964 the subjects assigned to deputy ministers were as follows :—

1. Planning (with Chief Minister) and Industries and Electricity (with Minister for Industries and Electricity).
2. Education (with Minister for Education and Forests).
3. Agriculture but not including Khar Lands (with Minister for Agriculture).
4. Irrigation and Power and Buildings and Communications (with Minister for Irrigation and Power and Buildings and Communications).
5. Revenue (with Chief Minister) and Forests (with Minister for Education and Forests).
6. Public Health (with Minister for Public Health, Law and Judiciary), Khar Lands (with Minister for Agriculture) and Fisheries (with Minister for Food, Civil Supplies, Housing, Printing Presses, Fisheries, Small Savings and Tourism).
7. Cooperation (with Minister for Cooperation) and Food and Civil Supplies (with Minister for Food, Civil Supplies, Housing, Printing Presses, Fisheries, Small Savings and Tourism).
8. Home (with Minister for Home) and Labour (with Minister for Labour).
9. Rural Development (with Minister for Rural Development), Urban Development (with Minister for Urban Development and Waqfs) and Legislative Affairs (with Chief Minister).
10. Social Welfare (with Minister for Social Welfare) and Housing (with Minister for Food, Civil Supplies, Housing, Printing Presses, Fisheries, Small Savings and Tourism).

Business how transacted

Though each minister is primarily responsible for the transaction of business within his portfolio, it is not possible, nor is it necessary, for him,

or for the deputy minister, if any, sharing the portfolio, to pass orders on every case himself. In matters of minor importance where action is in accordance with accepted principles or policies, it is left to the permanent officials in the department of the Secretariat concerned to take action. The minister concerned and the Chief Minister are kept informed of all such action taken, unless it is of a routine character, by means of weekly returns. All other cases are submitted to the minister or ministers concerned before orders are passed. In specified cases, it is incumbent on the department concerned to consult the Finance Department and also to submit the papers to the Minister for Finance, in addition to the minister or ministers concerned. In other specified cases, submission to the Chief Minister, in addition to the minister or ministers concerned, is necessary. Copies of orders issued by the departments, other than those of a routine nature, are circulated periodically among the Council of Ministers and submitted to the Governor for information.

Meetings of Council of Ministers

In all matters of importance cases have to be brought before the whole Council of Ministers before a decision is taken. It is open to the Governor to direct that a particular case on which orders have been passed by an individual minister should be placed before the Council of Ministers. The Chief Minister may also require any particular case to be so placed. Apart from this, the kind of cases which must be brought before the Council is specified in the Rules of Business made by the Governor. Among others, the following have been specified :

- (a) proposals for appointment or removal of the Advocate General and relating to his remuneration;
- (b) proposals to summon, prorogue or dissolve the Legislature;
- (c) proposals for legislation, including issue of an ordinance;
- (d) cases in which the attitude of Government to any resolution or bill to be moved in the Legislature is to be determined;
- (e) proposals relating to rules regulating recruitment and conditions of service of Government servants, including judicial officers;
- (f) the annual financial statements to be laid before the Legislature and demands for supplementary, additional or excess grants;
- (g) proposals for making or amending regulations (i) relating to conditions of service of members of the State Public Service Commission and its staff and (ii) relating to exclusion of specified matters from the purview of the State Public Service Commission; also proposals for appointments inconsistent with the recommendations of the State Public Service Commission;

- (h) report of the State Public Service Commission and action proposed to be taken with reference thereto;
- (i) proposals for imposition of new taxation, or changes in taxation, including land revenue and irrigation rates, and for raising loans or giving guarantees by the State Government;
- (j) proposals affecting the State finances which are not approved by the Finance Minister and proposals for reappropriation of funds to which the Finance Minister has withheld his consent;
- (k) annual audit review of the State finances and report of the Public Accounts Committee;
- (l) proposals involving important changes of policy or practice or in the administrative system;
- (m) proposals for withdrawal of prosecutions by Government against the advice of the Law and Judiciary Department;
- (n) proposals for creation of posts on maximum salary exceeding Rs. 1000/- per mensem or for important alterations in conditions of service of members of all-India services or in methods of recruitment to service or posts to which appointment is made by the State Government;
- (o) reports of Committees of Inquiry.

Cabinet Sub-Committees

As a substitute for consideration of matters by the whole Council of Ministers, or as a preliminary to such consideration, it is sometimes considered expedient to entrust high level consideration to a sub-committee of the Council of Ministers. Such a sub-committee may be constituted *ad hoc* for particular matters or may take the form of a standing sub-committee entrusted with specified work. Instances of standing sub-committees of the Council of Ministers are the Integration Committee of Ministers, to which are referred important problems relating to integration of services as a result of the reorganisation of States, the Cabinet Sub-Committee for War, which is authorised to take decisions on major issues which arise from day to day in connection with the national emergency, a Cabinet Committee on Food Matters which maintains a close watch on the food situation and which is authorised to take decisions on matters relating to the food problem in all its aspects, and a High Power Committee of Ministers which is authorised to take policy decisions and give executive directions in matters relating to development of Bombay City and its environs in an orderly way. Another Committee which may be mentioned here is the High Level Committee on Agricultural Production presided over by the Chief Minister and including six other Ministers, with the Minister for Agriculture as convenor. This committee is authorised

to take final decisions on matters of agricultural production. A special feature of the committee is that it includes as members, in addition to the ministers, the Chief Secretary to Government, the Secretary to Government, Finance Department, and the Secretary to Government, Agriculture, Food and Co-operation Department who works as Secretary of the Committee.

Secretary to the Cabinet

There is no separate Cabinet department or office. The Chief Secretary to Government is also Secretary to the Cabinet and work connected with the meetings of the Council of Ministers is done in the General Administration Department under the control of the Chief Secretary.

Personal staff of Chief Minister and Ministers

The Chief Minister has the assistance of a Secretary (drawn from the Indian Administrative Service), Personal Assistants and ministerial officers and each minister and deputy minister has a small staff consisting of Personal Assistants and other ministerial officers to attend to their demi-official correspondence and other work of a personal character.

Parliamentary Secretaries

At present there are no Parliamentary Secretaries drawn from the Legislature to assist the ministers in their legislative duties, but provision exists for their appointment by the Chief Minister if he considers it necessary.

Transaction of government business in Legislature

Until November 1962 the duty of facilitating the transaction of government business in the Legislature, ensuring that there is always present in the House a majority of members to support the Government and generally keeping the Chief Minister in touch with the state of opinion among the members of the Legislature, particularly back-benchers in his own party, was entrusted to the Chief Whip, who was a party functionary and did not form part of the official machinery. In November 1962, a deputy minister was appointed with responsibility for Legislative Affairs along with some other subjects. This has brought the arrangements in the State into line with the position at the Centre, which has a Minister of Parliamentary Affairs of cabinet rank, and also in the United Kingdom, where the Chief Whip and his assistants are Junior Ministers of the Crown in the Treasury under the Prime Minister.

The Advocate General

Among the provisions in the Constitution relating to the Executive is one requiring the appointment of a person who is qualified to be appointed

a judge of a High Court to be Advocate General. In the United Kingdom the corresponding functionary, the Attorney General, is a Minister of the Crown and, though the Advocate General is not generally regarded here as holding a political office, he occupies a key position in the central direction of governmental activity, so far as ensuring the maintenance of the rule of law is concerned, since, under the Constitution, he is responsible for giving advice to the State Government on legal matters and has the right to speak in, and otherwise take part in the proceedings of, the Legislative Assembly and the Legislative Council. He may also participate in the proceedings of any committee of the Legislature of which he may be named a member, but is not entitled to vote. The Advocate General holds office during the pleasure of the Governor. He is remunerated by a salary and an allowance for the maintenance of an office.

Other functions of Advocate General

The Advocate General, in addition to giving legal advice and assisting in the work of the Legislature, performs other duties in respect of legal proceedings in the Courts which are described in Chapter 25.

Significance and history of Council of Ministers

It will be seen that it is through the institution of the Council of Ministers that, in the ultimate analysis, the actions of the Executive are subjected to democratic control. In form, the Council is purely advisory, since the Constitution provides for all executive action to be expressed as taken in the name of the Governor and also provides that the executive power of the State shall be exercised by the Governor either directly or through officers subordinate to him. In reality, unless there is a breakdown of the constitutional machinery, effective power rests with the Council of Ministers, supported by the Legislative Assembly of the State. A ministry responsible to the people has functioned in Maharashtra State and its predecessor State and Province of Bombay since 15th August 1947. Even before that date, a responsible ministry was in office for one year and a half from 1st April 1946 though its powers were somewhat restricted by certain reservations in favour of the Governor. Throughout this period the successive ministries have enjoyed a stable majority in the State Legislative Assembly.

CHAPTER FOUR

THE SECRETARIAT

(i) General

Nature of business transacted in Secretariat

In the previous chapter it was mentioned that the business of government is transacted in the departments of the Secretariat under the control of the ministers concerned. This applies, of course, only to those aspects of government business which require the attention of the central executive of the State, since, in fact, the business of government is transacted, not only in the Secretariat, but also in numerous other establishments, large and small, throughout the State of Maharashtra. The business transacted in the Secretariat consists, among other things, of the formulation of policy in matters within the constitutional responsibility of the State Government, the framing of new legislation or of amendments to existing legislation, the framing of statutory rules, regulations and orders in exercise of powers conferred by law, the issue of instructions, directions and advice to subordinate authorities like the Heads of Departments and officers in the field regarding the action which they are to take, the exercise of supervision, direction and control over the executive administration, the collection of information required for answering questions in the Legislature and, in general, needed for justifying the policies and actions of Government before the Legislature, financial and budgetary control over the activities of subordinate authorities, dealings with the Government of India and its officers operating within the territory of the State, with other all-India authorities like the Planning Commission, and with other State Governments, and disposal of appeals, representations and complaints from members of the public.

Present structure of Secretariat

Under the Rules of Business, the following twelve* departments have been constituted :—

1. General Administration Department;
2. Home Department [divided into Home Department (Proper) and Home Department (Special)];
3. Revenue and Forests Department;
4. Agriculture, Food and Cooperation Department;†

* The number of departments has since increased to thirteen.

† This Department has since been divided into two, a separate department being established for food and civil supplies.

5. Education and Social Welfare Department;
6. Urban Development and Public Health Department;
7. Finance Department;
8. Buildings and Communications Department;
9. Irrigation and Power Department;
10. Law and Judiciary Department;
11. Industries and Labour Department;
12. Rural Development Department.

Distribution of subjects between departments : unitary structure of Secretariat

The business of Government is distributed among these twelve departments, but it is necessary to explain that the various departments do not constitute self-contained ministries. They are, as their names indicate, merely branches of an organisation which is essentially unitary in structure. In some cases the departments are responsible to more than one minister, as the allocation of subjects among the departments does not correspond to the distribution of work among the ministers. The unitary structure of the Secretariat is illustrated by the manner in which matters concerning more than one department are handled. There is only one file on the subject, for which the department mainly concerned is responsible; this file circulates among the departments concerned and all proceedings underlying a decision are contained in that file and a single order embodying the decision is issued. Interdepartmental consultations are generally in the form of "unofficial references" and the record of each department is available to every other. There is also a system of common recruitment of staff and a measure of interchangeability at certain stages.

Position of Chief Secretary

Again, though each department is under the control of a Secretary to Government, the Chief Secretary, who is also Secretary for the General Administration Department and *ex-officio* Secretary to the Cabinet, has overall authority. Important cases from various departments, particularly if they have implications of a general character, are submitted to the Chief Secretary by the Secretary of the department concerned before taking the orders of Government. The Chief Secretary is also the head of the State services and all service matters arising in the various departments are decided in consultation with him, even if they are not required to be dealt with in consultation with the General Administration Department. The Chief Secretary further

acts as a coordinating authority by presiding at meetings of Secretaries and by deciding inter-departmental differences. He also functions as Development Commissioner for the State.

Changes in Secretariat structure

The present structure of the Secretariat incorporates many changes made from time to time. The names of departments have been changed, amalgamations or divisions have been made and subjects transferred as need arose. Rearrangement of departments and inter-change of subjects necessitated by the exigencies of the administration have been considerably facilitated by the unitary structure of the Secretariat, and have been effected by amendments to the Rules of Business. In some other countries such changes can only be effected by legislation.

Distinction between administrative and executive functions: roles of Secretariat and Heads of Departments

The Secretariat is concerned mainly with the broader aspects of administration. The responsibility for execution is laid on Heads of Departments and their subordinate field staff who include technical experts. In order to facilitate execution, specific powers have been conferred on Heads of Departments and officers under them either by statute or by delegation.

Exception to rule of separation of functions

The most important exception to the general rule of separation of administrative and executive functions is in the case of the Buildings and Communications Department and the Irrigation and Power Department. Though the Secretary to Government who is in overall charge of each of these departments is an administrative officer, the technical heads of departments responsible for execution also function within the departments as *ex-officio* Joint Secretaries to Government and have no independent offices of their own. The reason for this exceptional arrangement is historical; previously the Chief Engineers themselves used to be Secretaries to Government as well as technical heads of the department then known as the Public Works Department; they continued to function in their dual capacity as secretariat officers and as heads of their technical fields after the department was brought in line with other departments and placed under a non-technical head and later divided into two departments. A somewhat similar arrangement exists in respect of the Dairy Development Commissioner who is the head of the department responsible for executive work pertaining to "milk schemes" and has *ex-officio* Secretariat status in the Agriculture, Food and Cooperation Department. But, unlike the Chief Engineers, the Dairy Development Commissioner has an independent office outside the Secretariat in the capacity of Head of Department.

A recent innovation has been the appointment of the Chief Engineer to Government (Minor Irrigation and Public Health), who is *ex-officio* Joint Secretary to Government in the Irrigation and Power Department, as *ex-officio* Joint Secretary to Government in the Urban Development and Public Health Department, in addition to his other functions, in respect of water supply and drainage schemes which come within the administrative responsibility of the Department last named.

Further exceptions

Exceptions to the general arrangement also exist on a small scale in the case of special executive authorities which it has been found convenient to place directly under Secretaries to Government or other secretariat officials functioning as heads of departments. These are : (i) the Chief Officer for Cultural Affairs and Secretary, Recreation Committee, and the Board for Hindi examinations for officers of Government in the Education and Social Welfare Department, (ii) the Director of Small Savings in the Finance Department, (iii) the Special Engineer for Reclamation and the Officer-in-charge, Study Group for Greater Bombay, in the Urban Development and Public Health Department, (iv) the Land Reforms Implementation Officers and, for land acquisition, an Assistant Director of Town Planning and two Town Planners in the Revenue and Forests Department, (v) the State Textile Controller in the Industries and Labour Department and (vi) the Secretary, Khar Lands Development Board, in the Agriculture, Food and Cooperation Department. The Secretary to Government in the Agriculture, Food and Cooperation Department is also Supply Commissioner to Government, though he has a distinct office in that capacity outside the Secretariat. The Industries and Labour Department of the Secretariat also performs a few executive functions in respect of control over the distribution of coal, regulation of the supply of gas and its price and grant of certificates under the Mineral Concession Rules.

Special character of certain departments

While there is a fairly clearcut distribution of subjects among the various departments, three of the departments, viz. the General Administration Department, the Finance Department and the Law and Judiciary Department, are concerned with several matters which affect the whole business of government, namely service matters, including service regulations, and organisation and methods, in the case of the General Administration Department, financial and budgetary control in the case of the Finance Department, and legislation and legal advice in the case of the Law and Judiciary Department. A substantial portion of the work of these departments consists in dealing with references from the other departments, rather than dealing with heads of departments outside the Secretariat. And, in the case of the Law and Judiciary Department, it may be noted that, unlike the other depart-

ments, it contains its experts within itself, whether for drafting legislation and statutory rules and orders or for giving legal opinions. The General Administration Department also attends to the common house-keeping needs of the various departments and of the ministers and deputy ministers, including the maintenance of common services in the Sachivalaya building and disposal of staff matters relating to the personal establishments of the ministers and deputy ministers.

Position of Divisional Commissioners under various departments

It may also be pointed out that, while the departments of the Secretariat generally have to deal with a single head of department in respect of matters relating to a particular field of activity, such as agriculture or forests, in the matter of general administration or of revenue administration or of local self government, there is no single head of department outside the Secretariat. There are four Divisional Commissioners who are Heads of Departments for their respective Divisions and coordination of their work is a function of the Secretariat department concerned. Each Secretary to Government is also Head of Department so far as his Secretariat department is concerned.

Distribution of subjects includes subjects in Union List

The allotment of subjects to the various departments covers not only the subjects which, under the Constitution, are within the executive powers of the State, i.e. subjects in respect of which the Legislature of the State has power to make laws enumerated in List II and List III in the Seventh Schedule to the Constitution, but also several subjects which are exclusively within the executive power of the Union enumerated in List I in the said Schedule. This is because, though the matters in question may be beyond the executive power of the State, references relating to them have to be frequently dealt with at the State level. Responsibilities in respect of matters in the Union List may be laid by law or by executive instructions on authorities under the State Government. Moreover, questions of coordinated action or removal of impediments to the exercise of the executive powers of the Union may arise which require consideration or action at the State level. It is necessary, therefore, that responsibility should be allocated to specified departments for dealing with these matters when they arise.

Internal structure of departments : officers

Each Department of the Secretariat is under the control of a Secretary to Government (in the case of the General Administration Department, the Chief Secretary) who is immediately responsible to the minister or ministers to whom the subjects allocated to the Department are assigned. The

Secretaries to Government are officers of the Indian Civil Service or the Indian Administrative Service. The Secretary to the Law and Judiciary Department has to have legal qualifications or training and need not belong to one of these services. The Secretaries are appointed on a tenure basis for three years, but the period of appointment may be extended beyond this term. There may, in addition, be a Special Secretary or Additional Secretary, who is equal in rank and powers to the Secretary, or a Joint Secretary, who is slightly lower in rank, if the state of work warrants the appointment. These posts are not reserved for the Indian Civil Service or the Indian Administrative Service but may be, and generally are, held by officers from these services, except when Heads of Departments are *ex-officio* Additional or Joint Secretaries, as in the Buildings and Communications, the Irrigation and Power and the Industries and Labour Departments. Every Department has two or more Deputy Secretaries, who may be officers belonging to the Indian Administrative Service of the rank of Collector (a specified number of posts of Deputy Secretary are reserved for such officers) or may be drawn from the Secretariat staff. In the Buildings and Communications and Irrigation and Power Departments, some Deputy Secretaries are technical officers of the rank of Superintending Engineer. In the Law and Judiciary Department one or more Deputy Secretaries may be drawn from the Judicial Service, and none of them is drawn from the Indian Administrative Service. Below the Deputy Secretaries are officers designated as Under Secretaries. A few of these may be Indian Administrative Service Officers in the junior scale (Assistant Collectors) or Deputy Collectors belonging to the Maharashtra Civil Service (Executive Branch), but most of them are drawn from the Subordinate Secretariat Service. In the Buildings and Communications Department and the Irrigation and Power Department, Under Secretaries may be officers of the Maharashtra Service of Engineers of the rank of Executive Engineer. Both in the case of Deputy Secretaries and that of Under Secretaries, officers from outside the Secretariat are appointed on a tenure basis. Deputy Secretaries and Under Secretaries from the Secretariat staff are borne on a common cadre and are liable to transfer from Department to Department, except in the case of certain posts in the Law and Judiciary Department, which may be filled only by officers with legal qualifications and with experience in the legislation branch or the opinion branch, as may be required. While this is the general pattern, there are a few individual variations which will be indicated in the detailed description given later of the individual departments. Formerly each department had one or more Assistant Secretaries in addition to one or more Under Secretaries. As there was little difference in the functions of these officers in the two grades, Government decided to have only one grade of officers designated as Under Secretary. In some of the departments, however, there are still a few officers designated as Assistant Secretary pending their inclusion in the new cadre of Under Secretaries. On an average a Secretariat Department has three to five Deputy Secretaries and ten to twelve Under or Assistant Secretaries.

Internal structure : non-gazetted staff

The non-gazetted staff in each department is divided into (a) a number of noting branches each consisting of a Superintendent and three or more Assistants in the Upper Division and one or more General Duty Clerks in the Lower Division; (b) a cash section, consisting of an Accountant and/or Cashier and clerks in the Lower Division; and (c) a Registry, in which the mechanical work of the department, like registration of receipts, typing, despatch, maintenance of closed files, etc. is done; the Registry is under the charge of an Assistant in the Upper Division. Variations from the general pattern, however, exist in a few departments. In addition, there are personal assistants and stenographers to assist the officers and havaldars, naiks and peons in Class IV service. Though recruitment to the Upper and Lower Divisions is on a common basis, and new recruits are allotted to each department from common lists by the General Administration Department, each Department has its own establishment upto the level of Superintendent, and inter-departmental transfers upto that level are not ordinarily made. The Superintendents form a common cadre for promotion to the rank of Under Secretary. On an average a department has fifteen to twenty noting branches, though two departments have as many as twenty-eight branches each.

Central Record Office

Common to all departments is a Central Record Office under the control of the Director of Archives. All non-confidential records which are at least five years old and are intended to be preserved permanently or for a period of thirty years, have to be deposited in the Central Record Office and can be obtained on requisition by the department concerned or, with the consent of that department, by any other department from that office. Records deposited in the Central Record Office are, subject to rules made by Government, open to study and inspection by outsiders.

Central Sachivalaya Library

Common to all departments of the Secretariat is also the Central Sachivalaya Library under the control of the Director of Publicity. The Law and Judiciary Department has a separate legal library from which, with its permission, books can be borrowed by the other departments.

Disposal of work

The noting branches in each department are, generally speaking, the primary units for the disposal of the business of the department, except in the case of work relating to the purely internal administration of the department, which may be dealt with in the cash section or the registry,

under the control of an Under Secretary who is put in charge of the establishment of the department. The work of the department is distributed subject-wise among the branches. As a general rule two or three branches are placed under one Under Secretary (or officer of corresponding rank where such exists). Each Deputy Secretary may have two or three Under Secretaries under him. In exceptional cases a branch may be directly under a Deputy Secretary without an intervening Under Secretary. Ordinarily, every branch of the department is thus allocated to a Deputy Secretary but the Secretary of the department may direct that work from a particular branch or work pertaining to particular subjects should be submitted to him direct or through an Under Secretary alone if he finds this desirable or convenient. Considerable flexibility is permissible in this respect, the main object being to avoid too long a chain of submission before a case reaches the authority competent to pass orders on it.

Procedure in branches

According to its importance and complexity, each reference received in a branch is marked by the superintendent for disposal by a specified assistant or by himself. It is open to the superintendent to require a case to be submitted through him to the higher officer concerned and the superintendent is also expected, where feasible, to give instructions to his assistant as to the disposal of references. Inter-branch consultation, where a matter pertains to more than one branch, is informal and there can only be a single note from the branch or branches on each case submitted for higher consideration or orders. All references, acts, rules or manuals relevant to the consideration of the case have to be referred to in the note and put up with the papers, unless, in the case of acts, rules or manuals, copies are available in the reference libraries of the officers concerned. Where the matter is covered by settled policy or past precedent, this has to be mentioned.

Disposal of work at different levels

In routine matters or at preliminary stages, where reports have to be called for or opinions gathered, superintendents have considerable powers to take action without obtaining the orders or approval of the higher officers. Similarly, Under Secretaries are expected to dispose of as many cases as possible on their own responsibility, orders of higher officers being taken only in cases of an important nature or those involving questions of policy. Deputy Secretaries are expected to dispose of the majority of cases coming up to them, but the more important cases are generally submitted to the Secretary, particularly if they are required to be submitted to the minister. Deputy Secretaries are, however, often specifically authorised to submit cases direct to ministers who may, if they consider it necessary, call for the remarks of

the Secretary. The Secretary, however, sees all cases on their return from the minister, so that, if he considers it necessary, he has the opportunity of resubmitting a case with his remarks.

Inter-departmental consultation

Where a case raises issues with which more than one department is concerned, the originating department usually refers the case unofficially to the department or departments concerned for obtaining their remarks or views before submission to the minister or ministers concerned. When a department finds it necessary for the disposal of a case to consult an officer subordinate to another department (in this respect, however, the Divisional Commissioners and the Collectors are not regarded as subordinate to any one department, even though, as revenue officers, they are under the control of the Revenue and Forests Department) it is open to the department to consult him officially after unofficial reference to the department concerned, which may suggest what other officers, if any, should be consulted.

Issue of orders to officers of other departments

While it is permissible for a department to issue orders requiring executive action by officers under another department or controlling the action of such officers, such orders can be issued only in consultation with the department concerned.

Consultation with Finance Department

No orders may be issued by a department without previous consultation with the Finance Department, unless they are in pursuance of a general delegation made by the Finance Department, if they (a) either immediately or by their repercussions are likely to affect the finances of the State or in particular involve any grant, lease or license of mineral or forest rights or a right to water power or any easement or privilege in respect of such concessions or in any way involve any relinquishment of revenue, or (b) relate to the number or grading or cadre of posts or to emoluments or other conditions of service. As a rule, such consultation has to take place before the papers are submitted to the minister-in-charge and no case may be marked by a department for the Minister for Finance unless it has been seen by the Finance Department or the Secretary of that Department. If a department proposes action which is not approved by the Finance Department and it is desired to submit the case to the Minister for Finance with further notes recorded by the originating department, the case is required to be marked for the Minister through the Secretary, Finance Department.

Authentication of orders

Every order or instrument of the Government of the State, to be deemed authentic, must be signed either by a Secretary, an Additional Secretary, a Joint Secretary, a Deputy Secretary, an Under Secretary or an Assistant Secretary or such other officer as may be specifically empowered in that behalf. Publication of an order, notification, rule or direction in the *Official Gazette* above the name and designation of one of the officers mentioned above is accepted as authentic and in several statutes such publication is made mandatory.

Functions of departments in relation of Legislature

The departments of the Secretariat have to provide the material required by the ministers to carry out their parliamentary responsibilities. In particular they have to (i) collect the information required to answer questions put by members of the Legislature, including supplementaries which may be asked on the floor of the House, (ii) furnish complete information required by the minister to enable him to determine, with the approval of the Council of Ministers, the attitude of Government towards non-official bills and resolutions, (iii) in respect of official legislation, give all the assistance required by the minister, during all the stages through which the Bill passes before it is enacted and (iv) furnish as complete information as possible to enable the minister to answer criticism and justify government policies in debates on the budget, including notices for cuts in the amounts of the demands. They also have to furnish the material required by Committees of the Legislature. Officers of the departments may be summoned to give evidence before such Committees. Usually a responsible official is always present to assist the minister when business with which the department is concerned is before either House of the Legislature or a Committee.

Inspection of offices by secretariat officers

A comparatively recent development may be mentioned in conclusion in respect of the functions of the Secretariat departments. In the past, the duties of the Secretariat staff did not as a rule extend outside the Secretariat itself, unless the officer concerned was entrusted at the same time with executive functions. In recent years Secretaries to Government have been made responsible for periodical inspection of the offices of Heads of Department with statewide jurisdiction under their respective administrative control. They are also required to inspect regional and district offices occasionally. It is open to Secretaries to Government to depute officers of the Secretariat subordinate to them to carry out special inspections whenever necessary.

(ii) General Administration Department

Special character

The General Administration Department has jurisdiction in several respects over the whole range of governmental activity and, therefore, operates in certain matters as a clearing house and referee for the other Secretariat departments.

Subjects assigned

The subjects assigned to the Department fall under four main heads: (a) the central machinery of government; (b) services and service matters; (c) organisation of government machinery and methods; and (d) miscellaneous, including several subjects in the Union List. Falling under (a) are the following:—

Appointment and leave of the Governor; expenditure in connection with the residences of the Governor; salaries and allowances of ministers and deputy ministers; the Constitution of India; Rules of Business and Instructions thereunder; elections to Parliament and the State Legislature and appointment of High Court Judges.

Falling under head (b) are the following:—

All matters affecting all-India services and posts; safeguarding the rights and legitimate interests of all establishments; measures to secure adequate representation of all castes and communities in the public service; rules relating to (i) classification and recruitment, (ii) conduct, discipline and appeals, (iii) provident and family pension funds; all general matters affecting the services, including departmental and language examinations for Government servants, in-service training, associations of Government servants; matters relating to appointment, posting, transfer, promotion and conduct of, and grant of leave to, officers of the all-India or State services; and all matters relating to the Maharashtra Public Service Commission.

Falling under head (c) are the following:—

Secretariat standing orders; Government records; rules regarding the disposal of complaints and representations from members of the public; official correspondence; official language; public holidays; matters relating to common services in the Sachivalaya; and administration reports. The Department also deals with organisation and methods work, including the carrying out of work studies.

Falling under head (d) are the following:—

Appointment of the Sheriff of Bombay; State Gazetteers, memoirs, etc.;

publicity and Directorate of Publicity; tourism; ceremonials, including visits of distinguished persons; certificates of age and nationality; naturalization; extradition of foreigners; foreign affairs; ecclesiastical affairs, including European cemeteries; posts and telegraphs, including telephones, but not including village telephone systems, wireless and other like forms of communication; Post Office Savings Bank; Union agencies and institutions for professional or technical training or the promotion of special studies or research; Zoological Survey of India; census; national integration and safeguards to linguistic minorities; major ports; inter-state migration; admission into India or expulsion of foreign missionaries; pilgrimages to places outside India and appointment of Port Haj Committee; preventive detention for reasons connected with defence, foreign affairs or the security of India; rehabilitation of immigrants from East Pakistan; consular matters; and passports and visas. Recently the Department has been entrusted with responsibility for civil works and ancillary matters connected with the setting up of defence projects in the State on behalf of the Government of India.

Responsibility of Department limited in some matters

In respect of certain matters included in the Union list of subjects, the responsibility of the General Administration Department is restricted to the conduct of correspondence with the appropriate authorities under the Union Government. In other matters, however, where the State Government operates as the agent of the Union Government, the General Administration Department functions in the same manner as it would in respect of a subject which is the direct responsibility of the State Government, subject, however, to the supervision, direction and control of the Union Government. 'Census' is one such matter. The issue of passports and visas is another.

Officers of Department

The Chief Secretary has the assistance of a Special Secretary (Finance) of the rank of Secretary who advises other departments of the Secretariat in financial matters and helps in the expeditious disposal of pension cases, an Additional Secretary, who is also entrusted with the functions of the Chief Electoral Officer for the State and, in this capacity, is under the control of the Chief Election Commissioner, an Officer on Special Duty, who is also Director of Training and Director of the Administrative Staff College which has recently been set up, and three Deputy Secretaries. There are also sixteen Under Secretaries, including four Under Secretaries, each aided by an Assistant, who are exclusively engaged in conducting work studies of government offices, and two Protocol Officers. In charge of a special chasing unit for development schemes is an Additional Development Commissioner, who is also Additional Secretary and who is assisted by a Research Officer. In charge of an additional unit which has recently been attached to the

Department to deal with matters relating to the rehabilitation of migrants from East Pakistan is a Deputy Secretary, assisted by an Officer on Special Duty-cum-Under Secretary. For dealing with matters relating to the promotion of the use of Hindi and Marathi as official languages there is a Director of Languages who, in addition to his executive responsibilities, functions as a Secretariat officer, assisted by one branch in the Department. For work relating to the execution of civil works and ancillary matters connected with the defence projects under execution for the Government of India, the Chief Secretary has the assistance of a Special Secretary (General) who is of the rank of Secretary and who has a separate Defence Projects Wing under him. This officer performs executive as well as secretariat functions, and the Defence Projects Wing operates as the headquarters establishment of an executive organisation in addition to being a part of the General Administration Department. The gazetted staff in the Wing reflects this dual function. It consists, on the administrative side, of a Superintending Engineer who is *ex-officio* Deputy Secretary, a Special Officer, an Under Secretary, a Mamlatdar and a Deputy Engineer and, on the accounts side, an Accounts Officer. In order to obviate delays in financial matters the Special Secretary (Finance) exercises the functions of the Finance Department in relation to the Defence Projects Wing and, for this purpose, is deemed to be Special Secretary in the Finance Department. The Government of India has posted a Resident Audit Officer in the Defence Projects Wing but neither he nor the establishment under him forms part of the staff of the Wing.

Office structure

The work of the Department, excluding the Defence Projects Wing, is divided among eighteen noting branches and a Passport branch which handles the work of issuing passports and visas for travel between India and Pakistan, while the work relating to passports and visas for other countries is done by officers of the Government of India. The noting branches are constituted according to the general Secretariat pattern. The Passport branch or office, however, consists of two Superintendents, four Assistants and twelve General Duty Clerks. In addition, there is the Cash Section, which deals with the accounts of the Department, a Registry and a Typing Section. There are several stenographers attached to the officers. In the Defence Projects Wing the staff, on the administrative side, includes five superintendents, and a number of assistants, awal karkuns drawn from the Revenue Department, overseers drawn from the Buildings and Communications Department, clerks, typists and stenographers. On the accounts side, the staff includes a Superintendent, four Assistants drawn from the office of the Accountant General, an accountant and a few other ministerial officers. Altogether, the non-gazetted staff of the Department, inclusive of the Defence Projects Wing, consists of some 360 persons.

Special features

In cases relating to services, except when they relate to all-India services or to general issues affecting all services and posts, the General Administration Department generally functions in an advisory or supervisory capacity only, since it is the responsibility of the departments under which the particular services and posts are placed to deal with references relating to them. The General Administration Department also serves as co-ordinating and directing agency in respect of improvements in organisation and methods in Government offices. It convenes periodical meetings of Organisation and Method officers in the Secretariat departments (one officer in each department is entrusted with special responsibility in this respect) and in the offices of heads of major executive departments. It prepares manuals of instructions and standing orders and supervises the preparation of departmental manuals and is also responsible for organising post-recruitment training of Secretariat staff.

Departments and offices under General Administration Department

The General Administration Department is the controlling authority in respect of the Departments, Directorates and subordinate offices detailed below:—

- (a) Department of Archives and Historical Monument (as regards Archives);
- (b) Directorate of Languages;
- (c) Directorate of Publicity and Directorate of Tourism under the control of a single officer;
- (d) Aviation Department;
- (e) Administrative Staff College;
- (f) Defence Projects Organisation.

In addition, the Department controls the work of (a) publishing revised district gazetteers and a history of the freedom movement, (b) translation of the collected works of Mahatma Gandhi and (c) encouraging research in Marathi and allied fields. The work is entrusted to *ad-hoc* boards which are provided with the necessary staff. The General Administration Department, on behalf of the Government of India, has administrative control over the Chief Presidency Magistrate in so far as he is appointed to perform the functions of a Collector under the Citizenship Act, and over the Commissioner of Police, Greater Bombay, in so far as he is made responsible for welfare measures for Haj pilgrims passing through Bombay. These officers are otherwise under the administrative control of the High Court and the Home Department respectively. The Department is also the administrative department of the Secretariat in relation to the Maharashtra Public Service Commission, the State Vigilance Commission and the offices of the Secretary to the Governor and the Comptroller of the Household of the Governor.

Coordination Committees

In the interest of speedy action on matters with which a number of departments are concerned committees have been constituted in the General Administration Department for (a) coordination of action in respect of the national emergency, (b) dealing with important problems relating to the integration of services, (c) deciding questions of policy relating to organisation and methods, (d) dealing with matters relating to national integration and to linguistic minorities, and (e) dealing with problems relating to the coordinated and speedy development of Bombay City and its environs. The Committee relating to item (a), viz. the War Purposes Committee, is presided over by the Minister for Home and consists of several Secretaries to Government, including the Chief Secretary. The Committee coordinates the work of the various departments relating to the national emergency and directs the work of other committees and bodies that have been established in connection with the emergency. The Committee relating to item (b), viz. the Integration Committee of Officers, is presided over by the Chief Secretary and contains five other members, including four Secretaries to Government. The Committee deals with important problems relating to the integration of services and, where it cannot take decisions on such problems itself, it obtains orders from the corresponding Integration Committee of Ministers. The Committee relating to item (c) is presided over by the Chief Minister and has two other ministers, the Chief Secretary, two other Secretaries to Government and the Deputy Secretary to Government for Organisation and Methods in the General Administration Department as its members. The Committee considers questions of policy relating to O & M, periodically reviews the work of the O & M Section, draws up programmes for work studies and lays down procedures for the implementation of the results of such studies. The Committee relating to item (d) is presided over by the Chief Minister and includes two other ministers and the Chief Secretary. It considers matters relating to national integration, including linguistic minorities, and makes a six monthly review of the situation. The Committee relating to item (e) is presided over by the Chief Secretary and includes other Secretaries to Government. It is responsible for initiating proposals and making recommendations on policy matters pertaining to the several aspects of development of Bombay City and its environs for decision by the High Power Committee of Ministers. The Committee also coordinates the implementation of policy decisions and directives so as to secure efficient and prompt disposal of all matters.

Advisory Boards and Committees

Several advisory boards and committees have been constituted to assist the State Government in the administration of subjects assigned to the Department. Two of these, which have been constituted by the Central

Government under the provisions of the States Reorganisation Act, 1956, to advise on representations from service personnel affected by the reorganisation, may be mentioned here as they function in respect of matters which are the responsibility of the General Administration Department. One of these committees (the Central Advisory Committee) consists of the Chairman of the Union Public Service Commission, a retired High Court Judge and an officer with administrative experience. It advises on representations from gazetted officers. The other committee (State Advisory Committee) consists of a member of the Maharashtra Public Service Commission, a representative of the Central Government, a representative of the Maharashtra Government and a representative of the Gujarat Government. It advises on representations from non-gazetted personnel and functions for the State of Gujarat as well as the State of Maharashtra. Other committees and boards are the following:—

- (a) High Level Committee for office accommodation in Greater Bombay;
- (b) Language Advisory Committee;
- (c) Representations Committee;
- (d) Board of Tourism.

The High Level Committee for office accommodation is presided over by the Minister for Public Health, Law and Judiciary, and has two other members, viz. Secretary to Government, Revenue and Forests Department, and the Secretary to Government, Buildings and Communications Department. The Committee is responsible for deciding the orderly location of existing and new government offices so as to serve the public convenience and promote efficient functioning. The Language Advisory Committee consists of seven non-official members (including the Chairman) with the Director of Languages as Member-Secretary. The Committee advises the State Government on matters connected with the use of Marathi for official purposes and assists in the preparation of dictionaries, glossaries of technical and administrative terms and guide books. The Representations Committee is purely official and is presided over by the Chief Secretary. It assists the State Government in the matter of representations from members of the services regarding their allocation, equation of posts held by them and fixation of their pay or seniority under the rules made for deciding these matters after the reorganisation of States. The work of this Committee is to a considerable extent connected with the work of the two Advisory Committees set up by the Central Government, since it is only cases in which the State Government rejects the requests made by a government servant that are placed before the Advisory Committees. The Board of Tourism is presided over by the Minister for Food, Civil Supplies, Housing, Printing Presses, Fisheries, Small Savings and Tourism. Among its members are eleven officials of the State Government, including the Chief Secretary to Government and the Secretary to Government in the Buildings and Communications Department, representatives of the Central Government, local bodies, transport services, and travel organisations, hotels,

restaurants etc., and a number of non-official members. The Board advises regarding measures to promote tourism in the State.

(iii) Home Department

Main functions

The Home Department of the Secretariat is concerned in the main with the regulation of the police functions of the State whether they are primarily the responsibility of the State Government in such matters as the police and prisons, or whether they are primarily the responsibility of the Union Government in such matters as naval, military and air forces or internal security through the employment of such forces in aid of the civil power. Certain other subjects which do not fall strictly within the scope of police functions are also entrusted to the Home Department, either because they were at one time administered through the agency of the police, such as "vehicles", "taxes on vehicles" and "explosives", or because they relate to the enforcement of restrictive laws, such as "betting and gambling" or "intoxicating liquors". Prior to 1960 the Home Department was responsible for the judiciary and the constitution of courts as well. As a consequence a few miscellaneous subjects connected with the judiciary or the administration of justice still remain the responsibility of the Department, as for instance "appointment of Justices of the Peace and honorary magistrates" and "Administrators General and Official Trustees". Very recently the Department has been entrusted with the subject "fire fighting services in urban and cantonment areas" and the Department has administrative responsibility whether the services are provided by local authorities or by any other agency.

Division of Department into two sections

For the purpose of allocation of subjects the Department is deemed to consist of two separate wings, viz. Home Department (Proper) and Home Department (Special). The main purpose of the division is to isolate in the Home Department (Special) matters pertaining to, or involving considerations touching on, the security of the State, which are generally of a highly confidential character. In a few cases subjects are divided between the Home Department (Proper) and the Home Department (Special), some aspects being dealt with by one and some by the other. Thus "public order" appears in the lists of both the sections.

Subjects allotted to Home Department (Proper)

The more important of the subjects allotted to the Home Department (Proper) are the following:—Public order, excluding those aspects which are allotted to the Home Department (Special); police; prisons, administration

of borstal schools and institutions; betting and gambling; fire-fighting services in urban and cantonment areas; petroleum and petroleum products, including the regulation and development of oil fields and mineral oil resources; prevention of cruelty to animals; vehicles, including mechanically propelled vehicles (in so far as they are not the responsibility of the Buildings and Communications Department) and road transport services; explosives; arms, firearms and ammunition; appointment of Justices of the Peace and Honorary Magistrates; intoxicating liquors, drugs (in so far as they are not the responsibility of the Urban Development and Public Health Department) and poisons, including prohibition; emergency relief organisations; coroners; and Administrators General and Official Trustees.

Subjects allotted to Home Department (Special)

The main subjects allotted to the Home Department (Special) are the following:—Naval, military and air forces and any other armed forces of the Union; the defence of India and internal security; civil defence; detention of, and restrictions over, Indian citizens under the Defence of India Act and the Defence of India Rules in the interests of security; public order, in so far as it covers preventive detention, offences against the State, political intelligence, political and communal agitations, subversive movements, and inter-communal relations, riots or disturbances; confidential and secret codes; postal, telegraph, telephone, press and broadcasting censorship, including press censorship under the Defence of India Rules; the fire-fighting organisation in Marathwada; resettlement of ex-servicemen; newspapers, books and printing presses, so far as restrictions and control over them are concerned; the office of the Examiner of Books and Publications; and control over theatres, dramatic performances, cinemas, sports, entertainments and amusements, including the sanctioning of cinematograph films for exhibition.

Structure

At the head of the Department is the Secretary. Under him are four Deputy Secretaries and eight Under or Assistant Secretaries. The primary units of work consist of eighteen branches, of which fourteen are for work allotted to the Home Department (Proper) and four for work allotted to the Home Department (Special). Work from the branches is submitted to an Under or Assistant Secretary, each such officer being responsible for two or three branches. Each Deputy Secretary has responsibility for work emanating from four to five branches, but the branch handling budget matters is responsible to each of the Deputy Secretaries depending on the subject matter with which he is concerned. Each noting branch is constituted, according to the general Secretariat pattern, of a superintendent with assistants and general duty clerks under him, the number in each category varying from one to three in individual branches. The Home Department (Special) has, in addition to the four noting

branches, a section for routine operations and a typing section. In Home Department (Proper) there are, in addition to the noting branches, a Cash Section (which serves the whole Department), a Registry, an Issue Section, a Weeding Section and a Typing Section. Altogether the non-gazetted staff of the Department consists of some 272 persons.

Heads of Department etc. under Home Department

Under the administrative control of the Department are the following executive departments, authorities and offices :—

- (a) The Police Department under the Inspector General of Police;
- (b) The Anti-Corruption and Prohibition Intelligence Bureau;
- (c) The Forensic Science Laboratory;
- (d) The Director of Public Prosecutions;
- (e) The State Performances Scrutiny Board;
- (f) The Home Guards Organisation;
- (g) The Jail Department under the Inspector General of Prisons;
- (h) The Prohibition and Excise Department under the Director of Prohibition and Excise;
- (i) The Motor Vehicles Department under the Director of Transport;
- (j) The Examiner of Books and Publications;
- (k) The Administrator General and Official Trustee;
- (l) Fire Fighting Organisation;
- (m) The Director of Civil Defence;
- (n) The Coroner of Bombay;
- (o) The Maharashtra State Soldiers' Sailors' and Airmen's Board.

Statutory Authorities under Home Department

Functioning under the Department are the Maharashtra State Road Transport Corporation constituted under the Road Transport Corporation Act, 1950, and the State Transport Authority constituted under the Motor Vehicles Act, 1939.

Advisory Boards and Committees

The following advisory Boards and Committees have been constituted in respect of matters coming within the responsibility of the Department:—

- (a) Advisory Board constituted under the Preventive Detention Act, 1950;
- (b) Advisory Committee, Home Guards;
- (c) Maharashtra State Prohibition Board;
- (d) Greater Bombay Prohibition Committee;
- (e) Denaturant Committee;
- (f) Transport Advisory Committee.

The Advisory Board constituted under the Preventive Detention Act, 1950, consists of three members, including a retired High Court Judge as Chairman. It reviews cases of persons detained under the Act and makes recommendations to Government in connection with such persons. The Advisory Committee, Home Guards, reviews from time to time the work of the Home Guards and makes suggestions regarding their efficient functioning. The Minister for Home is the Chairman of the Committee, the other members being the Minister for Finance, the Chief Secretary, the Secretary, Home Department, the Inspector General of Police, the Commandant General, Home Guards, and three non-officials. The Maharashtra State Prohibition Board advises the State Government on all matters pertaining to prohibition and, in particular, aids in the education of public opinion, advises regarding methods of detecting and preventing prohibition offences, provides recreational and other facilities which serve as counter-attractions, and assists all social welfare activities which will further the policy of prohibition. The Board is presided over by the Minister for Prohibition, its other members being the Deputy Ministers for Prohibition, Education and Social Welfare, the Presidents of the *Zilla Parishads* or their nominees, a Secretary of the *Nashabandi Mandal*, the Divisional Honorary Prohibition Organisers, eleven officials and twenty-five non-officials. The Greater Bombay Prohibition Committee assists the State Prohibition Board in the work in Greater Bombay. It is presided over by the Deputy Minister for Prohibition. It has eight official and fifty-six non-official members. The Denaturant Committee is responsible for recommending, after investigation, the allowing of special and general denaturants for industrial or general use and the specifications and proportions for such denaturants with a view to preventing their misuse as intoxicants. The Transport Advisory Committee has ten official and six non-official members and is presided over by the Minister for Home. It advises Government regarding (a) planning and development of transport on a regional basis, (b) difficulties and problems of the public and of the operators in matters of passenger and goods transport and the provision of facilities and amenities to the travelling public, (c) conditions of work of staff employed in road transport services and provision of amenities to them, (d) schemes of nationalisation, (e) development of road facilities and, in particular, of bridges and culverts and (f) amendments to the Motor Vehicles Rules.

(iv) Revenue and Forests Department

Subjects assigned

The subjects allotted to the Revenue and Forests Department fall under four heads, viz. (1) land and land revenue, (2) collection of revenue from certain other taxes, (3) forests, national parks and preservation of wild life, and (4) miscellaneous. Under the head 'land and land revenue', come rights in or over land, land tenures, including the relation of landlords and tenants and collection of rents, transfer and alienation of agricultural lands, acqui-

sition and requisitioning of property and the principles of compensation, agricultural loans, courts of wards, encumbered and attached estates, treasure trove, fishing rights, land revenue in respect of agricultural lands and the assessment and collection of non-agricultural assessment in respect of lands converted to non-agricultural use, the maintenance of land records, survey for revenue purposes and records of rights, alienation of revenue and land development outside municipal limits. The Department, consequently, deals with tenancy and land ceilings laws, procedure in rent and revenue courts and courts of appeal in revenue cases. In recent years the Department has undertaken a number of legislative measures for the protection of tenants, for the consolidation of holdings and for an equitable distribution of cultivable land. The Department is also engaged in the distribution of forest lands made available by the Forest Department, the resettlement of agricultural workers on such lands, the extension of village gaothans, the provision of house sites for landless agricultural labourers and the settlement of members of backward communities, including nomadic tribes, on lands occupied by them for their residential purposes.

Coming under the head 'collection of revenue from certain other taxes' are taxes on agricultural income, State taxes on lands and buildings, excluding taxes levied by local authorities, taxes on luxuries, including taxes on entertainments, amusements, betting and gambling, duties on succession to agricultural land, registration and stamp duties, other than duties or fees collected by means of judicial stamps, and excise duty on alcoholic liquors, opium, hemp and other narcotic drugs.

Under the head 'forests, national parks and wild life preservation' come the protection, conservation, utilisation and development of forests, the establishment and maintenance of national parks and the administration of the Bombay Wild Animals and Wild Birds Preservation Act, 1951. Though national parks are under the administrative control of the Revenue and Forests Department, the executive work has been entrusted to the Superintendent of Parks and Gardens who works under the Buildings and Communications Department.

Coming under the head 'miscellaneous' are famine relief and relief on account of fires, floods and other natural or general calamities, territorial changes, impressment of carts, Survey of India, religious and other societies and institutions which do not come under the jurisdiction of the Law and Judiciary Department, *waqfs*, religious and charitable institutions managed by Government, power alcohol and opium, so far as regards cultivation and manufacture or sale for export.

Structure and distribution of work

The Department has one Secretary, four Deputy Secretaries and twelve

Under or Assistant Secretaries, two Land Reforms Implementation Officers, three Special Officers and three Technical Officers from the Town Planning and Valuation Department for scrutiny of land acquisition awards. The Controller of Accommodation, who otherwise functions outside the Secretariat, is also *ex-officio* Under Secretary. The Department consists of twenty-nine Branches of the ordinary secretariat pattern (including the Registry and Weeding, Typing and Cash Sections) and two special Sections, one for the scrutiny of land acquisition awards and one for the implementation of land reforms. Six branches deal with house-keeping functions such as establishment and organisation and methods work, budget, maintenance of service books and service records, pay-bills and cash, registration and despatch of letters, classification and weeding of old records. Three branches deal with relief on account of famine, scarcity and natural calamities, and tagai loans under the Agriculturists' Loans Act and the Land Improvement Act. Two branches and the Awards Section deal with land acquisition. One branch deals with taxation and revenue matters excluding land revenue. Two branches deal with forests, national parks, wild life preservation and coordination in respect of Five Year Plans. Five branches deal with services under the control of the Department and three branches and one section deal with special problems, such as the implementation of the land ceilings law, the unification of the land revenue laws and the field check on the implementation of land reforms measures. The remaining seven branches deal with land revenue, water rates, land records, Survey of India maps, grant of land to cooperative societies, municipalities and other local or statutory bodies, disposal of Government land to individuals and Government departments, tenancy laws, preparation of Revenue Department Digests, annual administration report and miscellaneous matters, abolition of special land tenures, management of devasthanans, religious institutions and *waqfs*, extension of gaothans, consolidation of holdings, boundary marks, civil court decrees, Maharashtra Revenue Tribunal, territorial changes, allowances and stationery.

Heads of Departments

The Heads of Departments under the Revenue and Forests Department are (1) the Commissioners of Divisions, (2) the Collectors of Districts including the Collector, Bombay Suburban District, who work under the Commissioners of their respective Divisions, (3) the Collector of Bombay who is an independent Head of Department directly under the Revenue and Forests Department, (4) the Settlement Commissioner and Director of Land Records, (5) the Inspector General of Registration, (6) the Superintendent of Stamps and (7) the Chief Conservator of Forests who is also Wild Life Preservation Officer. There is also a temporary office of the Controller of Accommodation under the Revenue and Forests Department. Though the Commissioners of Divisions and the Collectors of Districts are shown as Heads of Departments

under the Revenue and Forests Department, their responsibilities range over a much wider field than that of revenue and land administration. They provide the basic framework for the whole machinery of executive administration and are responsible for coordinating the activities of all departments, with particular reference to planning and development. Even where other departments have their own field establishments, the Commissioners and the Collectors are often consulted by Government on important matters.

Statutory and non-statutory bodies

There are a few statutory and non-statutory bodies which are connected with the work of the Revenue and Forests Department. These are mentioned below.

(1) *Maharashtra Revenue Tribunal*

This Tribunal has been established under the Bombay Revenue Tribunal Act, 1957, with important revisional and appellate jurisdiction in matters coming under the Land Revenue Code and several other laws. As the Tribunal has quasi-judicial functions it has been described in Part VI.

(2) *The High Power Committee for the distribution of Government land*

The committee consists of the Secretary, Revenue and Forests Department, the Secretary, Agriculture, Food and Cooperation Department, and the Secretary, Education and Social Welfare Department, and is responsible for examining the problem of providing land to landless persons for cultivation.

(3) *The Backbay Reclamation Committee*

The committee consists of the Secretary, Revenue and Forests Department, the Secretary, Urban Development and Public Health Department, the Secretary, Buildings and Communications Department, the Collector of Bombay, the Chief Engineer, Buildings and Communications Department, the Architect to Government and the Director of Town Planning, and its function is to examine questions regarding the disposal of lands in the Backbay Reclamation areas and also similar other problems in respect of these areas.

(4) *The State Wild Life Advisory Board*

The Board has been constituted under the Bombay Wild Animals and Wild Birds Protection Act, 1951, and comprises the Chief Secretary to Government as Chairman, five representatives of the State Legislature, three non-officials, four officials and the Wild Life Preservation Officer as Secretary.

The function of the Board is to advise Government in the selection of areas for game sanctuaries, policy regarding grant of licences and other matters connected with the preservation of wild life.

(5) *The National Parks Advisory Committee*

The National Parks Act provides for the setting up of this committee, which consists of four official and five non-official members. The State Government is empowered to nominate additional members if necessary. The main function of the committee is to advise Government in the selection of areas to be declared as 'National Parks' and their administration.

(v) *Agriculture, Food and Cooperation Department**

Subjects assigned

The subjects allotted to the Department are implicit in its designation. Agriculture includes agricultural extension, agricultural engineering, agricultural statistics, agricultural research and agricultural education, except that in primary and secondary schools, which is looked after by the Education and Social Welfare Department. Land improvement by mechanical cultivation and soil conservation, lift irrigation, well irrigation and boring is part of agricultural work. Manures and fertilisers as means of agricultural production are ancillary items under the same head. Under Food come food administration of the Bombay City, food supplies to the districts, foodgrains prices and price supports. The Civil Supplies staff in Bombay City and in the districts is under the administrative control of the Department. It has also taken up all residual work pertaining to the organization of the former Civil Supplies Department. Under Cooperation come the development and control of the cooperative movement, relief of agricultural indebtedness, control over the marketing of agricultural produce and provision of warehousing facilities for agricultural produce. The Department, however, deals with some other subjects also, viz. Animal Husbandry, Dairy Development, Fisheries, Khar Lands and control over distribution of iron, steel and cement. Animal Husbandry includes livestock improvement, veterinary science, veterinary education and prevention of animal diseases. All milk schemes, urban as well as mofussil, are under the control of this Department. As regards Khar Lands, there is a vast area of such lands in the coastal districts of Maharashtra. As a result of the ingress of salt water, these lands have been rendered unfit for cultivation. The extent of such lands in Kolaba, Thana and Ratnagiri districts is about 40,000 hectares. The work of reclaiming and developing Khar Lands is entrusted to a Board constituted under the Bombay Khar Lands Act, 1948. This Board functions within the Department.

* This Department has since been divided into two, a separate department being established for food and civil supplies.

Structure and distribution of work

The work in the Department is done in twenty-eight noting Branches, a Registry and a Records Section. It has the following twenty officers :—

One Secretary (who is also Supply Commissioner),

One Additional Secretary,

Five Deputy Secretaries (one of whom is also Director of Civil Supplies),

Thirteen Under or Assistant Secretaries.

The Secretary, Khar Land Development Board, though in the grade of a Deputy Collector, works, with the staff under him, as a part of the establishment of the Department. The Dairy Development Commissioner, who has his own establishment outside the Secretariat as Head of Department, also functions as *ex-officio* Deputy Secretary to Government, and work relating to the Bombay Milk Scheme and Dairy Development is submitted by the branches and Under Secretary concerned to him. Nine noting branches deal with agriculture, six branches deal with the Food (Civil Supplies) Organisation, and distribution of iron, steel and cement, one branch deals with the Animal Husbandry Department, two branches deal with dairy development, including the Bombay Milk Supply Scheme, one branch deals with fisheries, four branches deal with cooperation and allied subjects, one branch, divided into two sections, deals with establishment, organisation and methods work and miscellaneous matters, one branch deals with planning, one with budget and one serves as the Cash Section. In addition, the Department has a Registry and a Records Section. The work of the Khar Lands Development Board is done in an additional branch under the Secretary of the Board.

Head of Departments

The Heads of Departments under the control of the Agriculture, Food and Cooperation Department are the Director of Agriculture, the Director of Animal Husbandry, the Dairy Development Commissioner, the Director of Fisheries and the Registrar of Cooperative Societies. The executive work relating to food control is done by the Secretary, Agriculture, Food and Cooperation Department, in the capacity of Supply Commissioner. The Controller of Iron and Steel and Cement, who is also Agricultural Iron and Steel Supply Officer, is an independent officer under the Agriculture, Food and Cooperation Department, though he does not enjoy the status or have the powers of Head of Department.

Agriculture

The main activities under this head are to ascertain by experiment, investigation and research the methods by which agricultural production can

be increased economically in quantity and improved in quality and to get these methods put in practice. The activities of the Department of Agriculture can be divided into the following categories :

- (a) Agricultural Production,
- (b) Land Development,
- (c) Soil Conservation,
- (d) Agricultural Education.

Animal Husbandry

The work of the Animal Husbandry Department includes provision of facilities for veterinary aid, prevention of contagious diseases, manufacture of sera and vaccines for controlling diseases, breeding and improvement of live-stock and training of personnel for carrying out the technical work of the Department.

Dairy Development

Under this head are included activities for ensuring a systematic development of dairying and milk supply schemes of which the Aarey Milk Colony, the new dairy at Worli and the Dairy Technology Institute at Aarey are noteworthy.

Fisheries

The main activities under this head are the development of marine and inland fisheries, fish-curing yards, transport and preservation of fish, education, research and demonstration.

Cooperation

The work under this head mainly relates to the working of the following Acts :—

- (1) Maharashtra Cooperative Societies Act, 1960,
- (2) Bombay Agricultural Debtors Relief Act, 1947,
- (3) C. P. and Berar Relief of Indebtedness Act, 1939,
- (4) Hyderabad Agricultural Debtors Relief Act,
- (5) Bombay Money Lenders Act, 1946,
- (6) Bombay Execution of Decrees (Temporary Postponement) Act, 1959,

- (7) Madhya Pradesh Temporary Postponement of Execution of Decrees Act, 1956,
- (8) Bombay Agricultural Produce Markets Act, 1939,
- (9) C. P. and Berar Agricultural Produce Market Act, 1935,
- (10) C. P. and Berar Cotton Market Act, 1932,
- (11) Hyderabad Agricultural Markets Act, 1939,
- (12) Warehousing Corporations Act, 1962,
- (13) Bombay Warehousing Act, 1960.

Statutory and non-statutory bodies

There are several statutory and non-statutory boards and committees which are connected with the work of the Department.

A. Statutory

(1) The Khar Lands Development Board

The Board has been set up under the Bombay Khar Lands Act, 1948, and consists of the Deputy Minister for Khar Lands as Chairman and four official and five non-official members. The function of the Board is to promote the development of Khar and Khajan lands in the most efficient and economical manner. Though the Board has a separate identity under the Act, it does not have any independent establishment. As indicated above, its Secretary is treated as an officer of the Agriculture, Food and Cooperation Department, and a noting branch in the Department constitutes its office. The Board is responsible for reclaiming Khar and Khajan lands, whether belonging to Government or not, by the construction of embankments and sluice gates. In the case of private lands, 60% of the cost of reclamation is recovered from the beneficiaries, and 40% is borne by Government. In the case of Government lands, 60% of the cost of reclamation is recovered from the parties to whom they may be granted after reclamation, in addition to the occupancy price. The reclamation of about half the Khar and Khajan lands in Thana, Kolaba and Ratnagiri districts has been completed so far. The Board has no field organisation, the work of reclamation being carried out through officers of the Buildings and Communications Department, the Cooperation Department and the Agriculture Department.

(2) The Maharashtra (Bombay Area) Veterinary Council

The Council is constituted under the Bombay Veterinary Practitioners Act, 1953, for Western Maharashtra, with the Director of Animal Husbandry as President, for the purpose of maintaining a register of qualified veterinary

practitioners and for advising the State Government regarding the qualifications to be recognised for purposes of registration.

(3) *Maharashtra State Cooperative Tribunal*

The Tribunal has been constituted under the Maharashtra Cooperative Societies Act, 1960, and consists of a President and two members. It functions as an appellate body and decides appeals and revision applications coming to it against decisions taken by the Registrar's nominees and officers of the Cooperative Department under the Act.

(4) *Maharashtra State Warehousing Corporation*

The Corporation was set up under the Agricultural Produce (Development and Warehousing) Corporation Act, 1956, since replaced by the Warehousing Corporations Act, 1962. It has a Board of Directors consisting of the Additional Secretary to Government, Agriculture, Food and Cooperation Department as Chairman and of ten other members, both officials and non-officials, including a Managing Director. Its main functions are the acquisition, construction and running of godowns and warehouses, the storage of agricultural produce, seeds, manure, fertilizers and agricultural implements, and acting as agent of the Central Warehousing Corporation or of the State Government for the purchase, sale, storage and distribution of agricultural produce, etc.

B. *Non-Statutory*

(1) *Committee of Secretaries for Agricultural Production*

This Committee consists of the Chief Secretary to Government as Chairman and the following officers as members :—

Secretary to Government, Finance Department,

Secretary to Government, Rural Development Department,

Secretary to Government, Irrigation and Power Department,

Secretary to Government, Agriculture, Food and Cooperation Department (who is also Secretary to the Committee),

Additional Secretary to Government, Agriculture, Food and Cooperation Department,

Additional Development Commissioner, General Administration Department.

The Committee coordinates the functions of the various departments concerned with agricultural production so as to facilitate the taking of expeditious

action. Matters requiring decisions at the highest level are referred for orders to the High Level Committee on Agricultural Production.

(2) *The State Fertiliser Committee*

The Committee consists of the Minister for Agriculture as Chairman, six official members and twelve non-official members, including representatives of various bodies interested in fertilisers, and four progressive farmers, one from each Division. The functions of the Committee are to advise Government in respect of :

- (a) the implementation of, and the review of the working of, the Fertiliser (Control) Order, 1957;
- (b) selection of private manure mixing firms; and
- (c) supply and distribution of chemicals.

(3) *The State Oilseeds Committee*

The Committee comprises, in addition to the Secretary, Agriculture, Food and Cooperation Department, as Chairman, eight officials and nine non-officials. It advises Government on the improvement and development of the cultivation, marketing and utilisation of oilseeds and their products.

(4) *The State Sugarcane Committee*

The Committee consists of the Minister for Agriculture as Chairman, seven official and ten non-official members. The functions of the Committee are to chalk out sugarcane development programmes, to review the varietal position of the crop, to look after the distribution of fertilisers and the provision of irrigation facilities and to advise Government in any matter connected with the development of the sugar and *gur* industries

(5) *The State Cotton Committee*

The Committee comprises the Secretary, Agriculture, Food and Cooperation Department, as Chairman, thirteen non-official members and sixteen officials. The function of the Committee is to review from time to time the cotton extension and research work done in the State.

(6) *The State Advisory Committee on Agricultural Implements and Machinery*

This Committee has been formed to advise Government on agricultural implements and machinery. It consists of nine official and six non-official members.

(7) *The State Supervisory Body for Coconut and Arecanut*

The Committee consists of the Secretary, Rural Development Department, as Chairman, four non-official members and the Horticultural Development Officer as Member-Secretary. The function of the Committee is to review from time to time the achievement of targets fixed for the production of coconut and arecanut crops.

(8) *The Agricultural Education Sub-Committee*

This Sub-Committee consists of eleven official members with the Joint Director of Agriculture as Chairman. It advises Government on matters pertaining to agricultural education, including the recommendations made by the Indian Council of Agricultural Education.

(9) *Maharashtra State Fruit and Vegetable Committee*

The Committee consists of the Minister for Agriculture as Chairman and twenty-one other members, both official and non-official. The Committee advises the State Government on matters relating to the production and distribution of fruits, spices and vegetables.

(10) *State Coordination Committee for the Package Programme for Bhandara District*

The Committee consists of the Minister for Agriculture as Chairman and fifteen other members, both official and non-official. The Committee advises the State Government on policy matters relating to the execution of the intensive agriculture district programme (package programme) in progress in the Bhandara District.

(11) *The Advisory Committee to co-ordinate the working of the relevant Municipal Acts pertaining to the licensing of stables in Greater Bombay and the Bombay Cattle (Licensing and Maintenance) Order, 1958*

The Committee consists of five official and non-official members and its function is clear from its name.

(12) *The State Council of Gosavardhan*

The Committee has the Minister for Agriculture as Chairman and sixteen other official and non-official members. Its function is to advise, coordinate and assist the State Government in matters relating to the development of cattle and Gaushalas and Panjrapols, to encourage establishment of key village centres and to carry on propaganda for the promotion of these objects.

(13) *The High Power Committee for Dairy Development*

The Committee comprises the Minister for Agriculture as Chairman and the Deputy Minister for Agriculture, the Secretary, Agriculture, Food and Cooperation Department, the Secretary, Finance Department, the Registrar of Cooperative Societies and the Dairy Development Commissioner as members. Its function is to take quick decisions on all matters pertaining to the sanctioning, management and operation of all milk supply and other schemes of dairy development.

(14) *The Maharashtra State Fisheries Advisory Board*

The Board consists of the Minister for Fisheries as Chairman and nineteen official and non-official members. The function of the Board is to advise Government on the implementation of fisheries schemes.

(15) *State Cooperative Farming Advisory Board*

The Board consists of the Minister for Cooperation as Chairman with other ministers, officials and non-officials as members. The Board advises Government on the planning, promotion and evaluation of cooperative farming in the State.

(16) *State Cooperative Council*

The Council consists of the members of the Managing Committee of the Maharashtra State Cooperative Union and other official and non-official members. The Chairman of the Union is the Chairman of the Council. It is a deliberative body for formulating plans of cooperative development generally and to advise Government on various questions relating to the cooperative movement.

(17) *Maharashtra State Handloom Board*

The Board consists of representatives of cooperative institutions and two officials. The main function of the Board is to advise Government on matters relating to the development and promotion of the handloom industry in all its aspects.

(18) *Committee for Planning and Development of Forest Labourers Cooperative Societies*

The Committee consists of the Deputy Minister for Cooperation as Chairman and officials and non-officials as members. The functions of the Committee are :

- (i) to organise and assist cooperative societies of forest labourers and coordinate their working;

- (ii) to provide for their supervision;
- (iii) to plan the exploitation of forest coupes and regeneration of forest areas and starting of allied industries by or on behalf of cooperative societies.

(19) *Maharashtra State Advisory Committee for Regulated Markets and for fruits and vegetables*

The Committee consists of the Minister for Cooperation as Chairman and official and non-official members. The main functions of the Committee are to advise and assist market committees in all matters and make suitable recommendations to Government. It also renders help to Regional Committees for Transport of Agricultural Produce and Fruits and Vegetables with a view to afford facilities to market committees and marketing societies functioning in the market yards.

(20) *Cooperative Textile Mills Advisory Committee*

The Committee consists of official and non-official members. The Committee has been recently set up for advising the promoters of cooperative spinning mills in regard to the organisation and functioning of these mills.

(21) *Ministers' Committee for Cooperative Sugar Factories*

The Committee consists of the Chief Minister as Chairman, three other ministers and six other official and non-official members. It is meant for formulating the policy of future development of cooperative sugar factories and considering important questions relating to sugar factories in the State.

(22) *Selection Committee for appointing Managing Directors for Cooperative Sugar Factories*

A Selection Committee is constituted whenever the post of Managing Director of a cooperative sugar factory has to be filled. The Chairman of the Committee is the Chairman of the Maharashtra Rajya Sahakari Sakhar Karkhana Sangh Ltd., Bombay, and the members are the Joint Registrar of Cooperative Societies (Sugar) and the Chairman or any other representative of the factory for which the appointment is being made.

(23) *State Board of Supervision*

In order to coordinate the activities of supervision over the working of cooperative societies in the State through the Taluka Supervision Units and the District Supervision Committees the State Board of Supervision is constituted by Government with the Registrar of Cooperative Societies as Chairman

and ten other official and non-official members. It functions as a body for direction and guidance in respect of all matters pertaining to supervision.

(24) *Fair Price Supervision Committee*

The Committee consists of the Minister for Civil Supplies as Chairman, the Deputy Minister for Civil Supplies as Vice-Chairman, ten members of the State Legislature, three municipal corporators, eight women, thirty non-officials representing various trade interests and eight officials. The function of the Committee is to suggest measures for ensuring adequate supplies of food-grains, sugar, etc. at reasonable prices.

(25) *Cement Coordination Committee*

The Committee consists of the Minister for Civil Supplies as Chairman, the Deputy Minister for Civil Supplies as Vice-Chairman and representatives of Government Departments, the Railways, the State Road Transport Corporation, local bodies and statutory boards and cement companies. The function of the Committee is to decide on distribution of the quarterly quota of cement allotted to the State and to advise on measures necessary to ensure adequate supplies.

(26) *Drugs Prices Vigilance Committee*

The Committee consists of twenty-one members, with the Minister for Civil Supplies as Chairman. The Committee keeps a close watch on the stock and supply position of drugs and medicines in the State and makes suggestions to the State Government regarding the maintenance of the price-level at a reasonable level whenever a rise is apprehended.

(vi) *Education and Social Welfare Department*

Subjects assigned

The Education and Social Welfare Department was formed at the time of the bifurcation of the bilingual Bombay State in May 1960 by transferring to the Education Department work relating to social welfare, including work relating to backward classes and displaced persons, which was being dealt with in the Labour and Social Welfare Department. The subjects allotted to the Department can be conveniently grouped as follows:

- (1) Education, including technical education but excluding agricultural and medical education at University level, literary and scientific institutions, libraries and museums, the preservation and maintenance of ancient and historical monuments, records, manuscripts and archaeological sites and remains which are not under the control of the Central Government, and the Auxiliary and National Cadet Corps.

(2) Activities relating to displaced persons from West Pakistan, including housing schemes, townships and colonies started for displaced persons and training facilities for them.

(3) Welfare of backward classes, including scheduled castes, scheduled tribes, nomadic tribes and other backward classes. It is intended that they should reach at least the minimum standards of other sections of society in matters of education, economic stability and social status as early as possible. The two Acts which are administered by the Department in connection with the backward classes are the Untouchability (Offences) Act, 1955, and the Hindu Places of Worship Entry (Authorisation) Act, 1956. The Education and Social Welfare Department also corresponds with the Government of India in regard to grants under article 275 (1) of the Constitution and other grants sanctioned by the Central Government for backward classes.

(4) Other social welfare activities for particular groups of people like delinquent children, beggars, physically handicapped people and exploited women and girls. There is an after-care programme for juvenile as well as for released adult prisoners. The Bombay Children Act, the Bombay Prevention of Begging Act, The Habitual Offenders Registration Act and the Bombay Probation of Offenders Act are the statutes relevant in this connection. The work under the last two Acts, however, is under the administrative control of the Home Department. The Acts regarding women in moral danger are the Women's and Children's (Institutions) Licencing Act, 1956, and the Suppression of Immoral Traffic in Women and Girls Act, 1958. Social Welfare is a general term and it also includes youth welfare as well as recreational and leisure time activities for the physical and cultural development of the population; assistance to schools imparting instruction in dance, drama and music also comes under this head.

(5) The conduct of examinations in Hindi for government servants.

Structure and distribution of work

The Department is under a Secretary assisted by three Deputy Secretaries and eight Under or Assistant Secretaries. The primary units of work consist of twenty noting branches constituted on the usual Secretariat pattern. Two branches deal with primary education, two branches with secondary education and the S.S.C. Examination Boards, one branch with university education, two branches with technical education, two branches with backward class welfare, one branch with other social welfare matters, one branch with service matters relating to staff under the Director of Education, one branch with budget and planning, one branch with the establishment of the Education and Social Welfare Department and organisation and methods work, one branch with the *Ad-hoc* Board for Hindi examinations,

military education and the Department of Archaeology, one branch with miscellaneous work, one branch with the reception of cultural delegations and two branches with rehabilitation matters, including rehabilitation accounts. In addition there are the Registry and the Cash Section for carrying out house-keeping functions.

Heads of Department and other officers

The Heads of Departments under the Education and Social Welfare Department are: (1) the Director of Education, Poona, (2) the Director of Technical Education, Bombay, (3) the Director of Social Welfare, Poona, (4) the Director of Archives and Historical Monuments, Bombay (so far as Historical Monuments are concerned), (5) the Dean, Sir J. J. School of Art, Bombay, and (6) the Dean, Sir J. J. Institute of Applied Art, Bombay. For certain matters there are no Heads of Department responsible for execution. These are directly administered at the Secretariat level through the officers mentioned below against each subject:

| <i>Name of subject</i> | <i>Officer(s) through whom administered</i> |
|--|---|
| (1) Cultural Activities | The Chief Officer for Cultural Activities and the Secretary, Recreation Committee |
| (2) Ad hoc Board for Hindi Examinations | The Collectors of Districts |
| (3) Relief and Rehabilitation of displaced persons | Various officers at the district level, including the Collectors. |

Cultural Activities

The Chief Officer for Cultural Activities and Secretary, Recreation Committee, organises State *Mahotsavas* in *natya*, *sangeet*, *tamasha*, *nritya*, films and folk arts as part of the Government policy to help an all round growth of these arts and simultaneously to enrich the cultural life of the State. He organises celebrations in connection with the Republic Day, Children's Day and such other functions which may be entrusted to him by the Government. There is a Government open air theatre, Rang Bhavan, in Bombay and the Manager and other staff at the theatre are under his control. The Chief Officer disburses grant-in-aid to various municipalities and voluntary agencies for construction of open air theatres and music halls. Grant-in-aid is also disbursed through him to cultural organisations and institutions catering to the recreational needs of the people. Financial assistance is given to artists, poets, dramatists and journalists in indigent circumstances.

Hindi Examinations

The *Ad-hoc* Board for Hindi Examinations is constituted for prescribing the syllabuses of various Hindi Examinations required to be passed by Government servants, and for holding the examinations from time to time. The Chief Secretary to the Government of Maharashtra is the Chairman of the Board and the Deputy Secretary, Education and Social Welfare Department, is the Secretary. There are two official and four non-official members. The work of conducting the Hindi examinations in district places is organised through the District Collectors who have been given some regular or seasonal staff for the purpose. The Department has also started organising free and voluntary classes for Government servants at regional places on an experimental basis to coach them up for the examinations in Hindi.

Rehabilitation of displaced persons

The influx of displaced persons from West Pakistan started in the wake of partition. The Government of India assumed direct responsibility for the relief and rehabilitation of displaced persons for a brief period, but in June 1948 the State Government was called upon to take over the responsibility. The biggest township of displaced persons is at Ulhasnagar in Thana District and there is a smaller colony at Thana known as Kopri Colony. The Administrator of Ulhasnagar Township is in charge of Kopri Colony and Shanti Bhavan at Ulhasnagar Township. The Shanti Bhavan at Ulhasnagar is a home for widowed, destitute or infirm displaced women and their children. The Administrator is helped by an Assistant Administrator for each of them. The Administrator also works as a Sub-Divisional Magistrate for the Ulhasnagar Township. The allotment of shops, stalls and residential accommodation and the collection of rent, scrutiny of applications from unattached women, children, the aged and the infirm for grant of cash doles and recommending deserving cases to Government form an important part of his duties. Being the officer on the spot, he has to see that essential services like water supply, lighting and sanitary and medical arrangements are functioning properly. There are two Rehabilitation Production Centres, one at Ulhasnagar Township and the other at Pimpri in Poona District. The Superintendent (Works) of the Rehabilitation Production Centre, Ulhasnagar Township, is in charge of the two Centres and he is helped by an Assistant Manager at Pimpri. A scheme for the relief and rehabilitation of persons affected by police action in Hyderabad State was functioning in the Marathwada region at the time of States reorganisation. Though the scheme has been discontinued, Government decided that police action sufferers, i.e. widows and orphans, should be given training in various vocations so that they may be able to earn their living after completion of their training. Training courses are being conducted for them. The Special Rehabilitation Officer, Osmanabad, is in charge of the courses under the supervision of the Collector of Osmanabad. The Collectors are closely associated with the

implementation of schemes for relief and rehabilitation of displaced persons in their districts. There are Colonies at Mulund, Chembur, Kolivada, Nasik, Pimpri and Kolhapur and the officers in charge of these colonies work under their respective Collectors.

Statutory and other bodies

The statutory and other bodies which are connected with the work of the Department of Education and Social Welfare are as follows:

(1) *The Universities*: There are six Universities in the State, viz. Bombay University with jurisdiction over Greater Bombay, Nagpur University with jurisdiction over Vidarbha, Poona University with jurisdiction over Western Maharashtra, excepting Greater Bombay and Kolhapur, Ratnagiri, Satara, Sangli and Sholapur districts, Marathwada University with jurisdiction over Marathwada, Shivaji University with jurisdiction over Kolhapur, Ratnagiri, Satara, Sangli and Sholapur districts, and the Shreemati Nathibai Damodar Thackersey Women's University, with power to affiliate educational institutions within or outside the State of Maharashtra. Each University is governed by a separate statute. The Governor of Maharashtra is *ex-officio* Chancellor of each University, and the State Government has varying powers of supervision and control, more particularly because its approval is required in many matters. The main role of the Universities is to control and promote higher education, learning and research. They alone are authorised to confer degrees.

(2) *S. S. C. Examination Board*: This is a statutory Board with a Chairman appointed by the State Government, six officials, including the Director of Education, six representatives of the Academic Councils of Universities and thirteen other members nominated by the State Government. The Board holds the S.S.C. examination for Western Maharashtra. It is also entrusted with the conduct of the High School Certificate examination for Marathwada.

(3) *Vidarbha Board of Secondary Education, Nagpur*: This is a statutory Board with the Director of Education as Chairman and twenty-six other members which conducts the S.S.C. and Higher School Certificate examinations for Vidarbha.

(4) *State Education Council*: The Council with twenty-two members, including the Minister and the Deputy Minister for Education, four officials and sixteen non-officials is constituted to advise Government on educational questions and to co-ordinate the work of the Boards of Education.

(5) *Board of Secondary Education*: The Board, which consists of fourteen members, five officials and nine non-officials, advises Government on the organisation, co-ordination, and expansion of Secondary Education.

(6) *State Board for Women's Education:* The Minister for Education is the Chairman of the Board with the Director of Education and other official and non-official members. The Board advises Government on all matters relating to the education of girls and women.

(7) *State Board of Anglo-Indian Education:* There are eighteen members, three officials, three representatives of Universities and twelve non-officials. The Secretary, Education and Social Welfare Department, is the Chairman. The Board makes recommendations to Government regarding the courses of instruction, the system of examinations, the provisions of grant-in-aid code, and generally advises Government on all matters relating to Anglo-Indian Education.

(8) *State Co-ordination Committee for Vocational Guidance:* The Committee consists of five members, all officials. It has been formed to suggest measures for the co-ordination of the guidance work done by the Education Department with the placement of youths in jobs and the guidance work done by the Employment Exchanges.

(9) *State Social Education Committee:* The Committee has been formed with nine members, two officials and seven non-officials, to advise Government on social education, to co-ordinate social education work, and to undertake production of literature on the subject.

(10) *Maharashtra State Sports Council:* The Council consists of nineteen members, including the Minister and the Deputy Minister for Education, the Minister for Social Welfare, the Regional Director of the National Discipline Scheme, Western Region, Poona, three officials and twelve non-officials. Its functions are to advise Government on matters concerning sports, to grant recognition to sports organisations in the State, and to recommend assistance to such organisations.

(11) *National Discipline Scheme Committee:* The Committee has thirteen members, including the Minister and the Deputy Minister for Education, four officials and seven non-officials. It advises Government regarding implementation and administration of the National Discipline scheme.

(12) *State Advisory Committee for N.C.C.:* The Committee consists of eighteen members with the Minister for Education, as Chairman, five Vice-Chancellors of Universities, four officials, two Army officers and others. It advises Government on the working of the N.C.C.

(13) *Ad-hoc Committee for Playing Fields Association:* The Committee consists of seventeen members, including the Minister for Education, eight officials and eight non-officials. Its functions are to protect and conserve existing playing fields and to find out, earmark and allocate land for new playing fields.

(14) *Standing Sanskrit Committee:* The Committee is formed with four members to inspect Sanskrit institutions and to recommend recognition of institutions for grant-in-aid and to advise Government regarding the standard of Sanskrit examinations in this State and outside.

(15) *School Book Committee for Marathi, Hindi, Urdu, English and Sindhi:* There are four members on the Committee. It advises Government regarding the various text books submitted for sanction.

(16) *Committee for Children's Literature:* It prepares books for children.

(17) *Committee for Award of Prizes to Outstanding Books:* The Chairman and members of the Committee are appointed from time to time. The function of the Committee is to select good books in Marathi for awarding prizes.

(18) *State Advisory Board on Art Education:* The Board consists of twenty members with the Minister for Education as Chairman, Deputy Minister for Education, eight officials and ten non-officials. It advises Government on all matters relating to Art Education.

(19) *Standing Committee for Art Education:* The Committee consists of ten members with the Secretary, Education and Social Welfare Department, as Chairman, three other officials and six non-officials. It is formed to consider administrative problems and attend to day to day work in regard to Art Education.

(20) *State Council of Technical Education:* The Minister for Education is the Chairman and the Deputy Minister for Education the Vice-Chairman of the Council with ten official members and some non-official members. Its functions are to advise Government on (i) all matters concerning technical and industrial education in the State, (ii) the payment of grants-in-aid to technical institutions, (iii) arrangements for examinations, award of certificates and diplomas, and (iv) arrangements for preparation and publication of text books on technical education.

(21) *State Apprenticeship Council:* The Council is a statutory body under the Apprentices Act, 1961. It has twenty-seven members with the Minister for Education (Chairman), the Deputy Minister for Education, eleven officials and non-officials. Its functions are: (i) generally to assist the Central Apprenticeship Council, (ii) to make periodical assessment of the requirement for trained persons in the industries of the State, (iii) to make recommendations to the Central Apprenticeship Council regarding the additional trades, areas and the industries to be brought within the purview of the Apprentices Act, and (iv) to conduct periodical inspections of establishments for carrying out the apprenticeship training programmes.

(22) *State Council for training in Vocational Trades*: The Council has fifteen members, eight officials and seven non-officials. It is constituted to help the State Government in carrying out the policy of the National Council regarding the training of craftsmen, and, in particular, to establish a State Board of Examinations in Vocational Trades and to arrange *ad-hoc* inspections of training institutions.

(23) *Advisory Committee for the School of Printing Technology*: The Committee with eight members, five officials and three non-officials, advises Government on all matters pertaining to the establishment and maintenance of the Printing School in Bombay.

(24) *Maharashtra State Board for Archives and Archaeology*: This is a statutory board constituted under section 30 of the Maharashtra Ancient Monuments and Archaeological Sites and Remains Act, 1960. The Board has eleven members, four official and seven non-official. Its functions are: (i) to guide and coordinate research activities of Record Offices and Research Institutes in the State, to undertake research in manuscript records, including old maps and pictures, to consider the acquisition of records relating to the history of the State and to suggest ways and means of their preservation and publication whenever necessary; (ii) to advise Government in the matter of nominating representatives from institutions in the State to the Indian Historical Records Commission, its Sub-Committees and such other bodies; and (iii) to advise Government in regard to the maintenance of historical monuments and sites not looked after by the Archaeological Department of the Government of India, and to suggest ways and means for their conservation. Some of the functions of this Board relate to the subject 'Archives' which is under the administrative control of the General Administration Department of the Secretariat.

(25) *Maharashtra State Museums Committee*: The Committee with six members, four officials and two non-officials, generally assesses the needs of museums and makes recommendations for adequate museum service in each institution.

(26) *State Committee for Libraries*: The Committee, with the Deputy Minister for Education as Chairman, has eighteen members, including representatives of Library Associations. The Curator of Libraries is Member-Secretary. The Committee advises Government on the integration and improvement of library service in the State on a uniform pattern and deals with other allied matters.

(27) *Maharashtra State Tribes Advisory Council*: The Council is established in accordance with paragraph 4 of the Fifth Schedule to the Constitution of India to advise Government in the matter of formulation and implementation of various schemes for the welfare of Scheduled Tribes.

It consists of twenty members, of whom three are officials and seventeen are non-officials, including representatives of the Scheduled Tribes in the State Legislative Assembly. No regulations may be made by the Governor for the peace and good government of a Scheduled Area in the State without consulting the Tribes Advisory Council.

(28) *Maharashtra State Social Welfare Advisory Board*: The Board consists of seventeen members, two official and fifteen non-official. It is constituted for the distribution of grants to institutions catering for the welfare of women and children, maintenance of welfare extension projects, conducting condensed courses for women, and generally to advise Government on social welfare work.

(29) *State Council on Blindness*: The Council is formed with the Chief Minister as Chairman, Ministers for Public Health and Social Welfare, three officials and twenty-two non-officials to advise Government on, and to co-ordinate all matters relating to, the welfare of the blind.

(30) *Maharashtra State Board for Harijan Welfare*: The Board, with thirty-six members, four official and thirty-two non-official, advises Government in the matter of formulation and implementation of various schemes for the welfare of Scheduled Castes.

(31) *State Advisory Committee on Beggars Problems*: This Committee has thirty members, eight official and twenty-two non-official. It advises Government on beggars' problems.

(32) *Beggars Act Advisory Council for Greater Bombay*: This is a statutory body established under section 15 of the Bombay Prevention of Begging Act, 1959, with nineteen members, eight official and eleven non-official, to advise Government regarding the administration of the Act in Greater Bombay.

(vii) Urban Development and Public Health Department

Main functions

The subjects allotted to the Urban Development and Public Health Department may be grouped under three main heads, viz., (a) urban development, including local self government, (b) public health and (c) housing. Under head (a) are included the administration of the law relating to municipal corporations, municipalities, notified area committees and improvement trusts (excluding fire-fighting services), matters relating to local self-government in cantonment areas in so far as the State Government is concerned, matters relating to the levy of taxation by urban local authorities, local government at urban hill stations (including the appointment of

superintendents at such stations), town planning, including development plans for urban areas, the development of Greater Bombay and reclamation projects there, government water works in urban areas, municipal water supply and drainage and other sanitation schemes in urban areas, pilgrimages within India, registration of births, deaths and marriages, and burials and burial grounds, cremation and cremation grounds. Under head (b) are included preventive aspects of public health and sanitation, curative aspects of public health, including hospitals and dispensaries, medical education, medical research, medical, nursing and dental professions, lunacy and mental deficiency, including mental hospitals, prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, so far as the measures are within the competence of the State Government, port quarantine and hospitals connected therewith and seamen's and marine hospitals, in so far as the State Government is concerned, drug control, family planning, maternity and child welfare, prevention of food adulteration and administration of medical benefits under the Employees State Insurance Scheme. Under head (c) are included housing boards and various schemes for housing, including industrial housing, cooperative housing, housing for middle and low income groups, assistance to local authorities for housing of low income groups and sweepers' housing schemes, slum clearance, rent control, regulation of ownership flats, allotment of tenements in the Bombay Development Department Chawls and the administration of the Government Premises Eviction Act. Miscellaneous subjects which do not come under any of the three heads mentioned above are inns and inn keepers and relief of the disabled and unemployable.

Structure

The main structure of the Department is on the same lines as that of other departments of the Secretariat. There are, however, two departures from the normal pattern. Firstly, in respect of government water works in urban areas and municipal water supply and drainage and other sanitation schemes, the Chief Engineer (Minor Irrigation and Public Health), who is an officer of the Irrigation and Power Department, functions as Joint Secretary to Government in the Urban Development and Public Health Department *ex-officio* to facilitate disposal of references. This arrangement has been made because, though the Urban Development and Public Health Department is responsible for the subjects concerned, executive responsibility is entrusted on an agency basis to the staff of the Public Health Circles operating as part of the Irrigation and Power Department under the control of the Chief Engineer (Minor Irrigation and Public Health). The second departure from the normal Secretariat structure is the attachment to the Department of a small executive wing responsible, pending the constitution of a statutory corporation for the purpose, for planning and carrying out schemes for the reclamation and development of land in Greater Bombay. This wing is under

a Special Engineer (Reclamation) who, though posted in the Secretariat, has no functions as a Secretariat officer. To assist the Special Engineer is a non-technical Land Survey Officer belonging to the cadre of mamlatdars and a Deputy Engineer. Another special feature is a small Accounts Section for housing, consisting of an accountant and a few clerks, for keeping the accounts of housing schemes and of the provident funds of the Housing Boards. For the rest, under the Secretary, who is at the head of the Department, are three Deputy Secretaries, one responsible for urban development, including development of Greater Bombay and reclamation projects and also for work relating to the implementation of the proposals of the Study Group set up by the State Government for the planned development of Greater Bombay, one responsible for preventive aspects of public health and for housing and one for the medical side of public health. There are seven Under Secretaries who submit work to one or other of the Deputy Secretaries. There are sixteen branches, which constitute the primary units of work, each under a superintendent. Two or three of these branches are placed under an Under Secretary. Four branches are concerned with urban development, six with public health, three with housing and one with the five year plans as they affect the Department, budgets, and work relating to the estimates and public accounts committees of the Legislature. As in several other departments there is a separate Cash Section under an Accountant for house-keeping work relating to the Department, a Registry for handling incoming receipts and maintaining the records and a Typing and Issue Section. In addition, the Department contains three special units, one for the unification of medical and public health legislation, one for the unification of municipal legislation and one for matters relating to the national emergency. The non-gazetted staff of the Department consists of some 250 persons.

Heads of Departments

Under the administrative control of the Urban Development and Public Health Department of the Secretariat are the following executive departments, authorities and offices:

- (a) the Medical Department under the Surgeon General with the Government of Maharashtra;
- (b) the Public Health Department under the Director of Public Health for the Government of Maharashtra;
- (c) the Department of Ayurveda under the Director of Ayurveda;
- (d) the Haffkine Institute under the Director, Haffkine Institute, Bombay;
- (e) the Drugs Control Administration under the Director of Drugs Control Organisation;

- (f) the Town Planning and Valuation Department under the Director of Town Planning;
- (g) the Special Engineer (Reclamation).

Statutory bodies connected with the Department

The Urban Development and Public Health Department is concerned with a very large number of statutory authorities entrusted by law with functions within the purview of the Department. In the field of urban development are municipal corporations for the four largest cities in the State, more than two hundred municipalities for other cities and towns and an Improvement Trust at Nagpur. In the field of public health are councils for registration and control over medical practitioners in the various systems of medicine, dentists, pharmacists, and nurses and allied personnel. There are also statutory authorities to regulate courses of study and examinations for practitioners of the Ayurved, Unani, Homoeopathic and Biochemic systems of medicine. In the field of housing there are the Maharashtra Housing Board for Western Maharashtra and Marathwada and the Vidarbha Housing Board.

Advisory Committees and Boards

The State Government has established several advisory boards or committees to assist it in the administration of subjects pertaining to the Department. In the fields of both urban development and public health there is the Board of Urban Development consisting of the Minister for Urban Development as Chairman, and the Deputy Minister for Urban Development, the Mayors of Municipal Corporations, the Municipal Commissioners, the Chairman of the Nagpur Improvement Trust, the Chairman of the Maharashtra Housing Board, the Divisional Commissioners, the Chief Engineer (Minor Irrigation and Public Health), the Director of Public Health, the Director of Town Planning, the Director of Education, the Industries Commissioner, the Registrar of Cooperative Societies, the Director of Transport, four members of Parliament representing Maharashtra State, four members of the State Legislature associated with municipalities, four representatives of municipalities and four other persons who have experience of municipal affairs as members. The object of the Board is to promote a coordinated approach to the handling of municipal problems, such as water supply, drainage, sanitation, public health, nursing, communications and traffic, town planning, education and commercial and industrial development. In the field of public health there are Advisory Boards for Leprosy, Family Planning, Tuberculosis, Ayurved and Drugs Control. These Boards are presided over by the Minister for Health and they consist of official as well as non-official members. Their main functions are to advise the State Government regarding policy and regarding measures for the implementation of State plans. In the field of housing, there is the State

Housing Advisory Council constituted under the Bombay Housing Board Act, 1948, to advise the State Government on matters relating to housing. The Minister for Housing is Chairman of the Council and its members include representatives of local bodies, the Housing Board, industrialists, the cooperative movement and tenants.

(viii) Finance Department

Subjects assigned

The main function of the Finance Department is to regulate the financial business of the State and to ensure that public expenditure conforms to the standards of propriety and economy prescribed by Government. It is the Department primarily responsible for raising the funds required to meet public expenditure, although in several cases the collection of revenue may be the responsibility of other departments of the Secretariat. The Department lays down the pattern of spending and, subject to the decisions taken by the Council of Ministers, it allocates funds to the various departments. Accordingly, it deals with the preparation of the budget, appropriation bills, taxation measures, excluding those belonging to local self governing bodies, audit, pay and allowances, pensions and other conditions of service of State employees, excepting questions affecting the all-India services which are dealt with by the General Administration Department. It is responsible for all matters pertaining to trade and commerce, banking, currency and coinage, stock exchange and futures markets, import and export across customs frontiers and Central Government excise duties in so far as these subjects come within the State's jurisdiction. In some of these matters it acts as an agent of the Central Government. There are some other subjects which also have a bearing on the finances of the State and which are specially assigned to the Department. They are treasury procedure and administration of treasuries, the Bombay Sales Tax Act, the Bombay Sales of Motor Spirit Taxation Act, Small Savings Movement, preparation of the Five-Year Plans for the State and for the districts and statistics relating to planning. Connected with planning, the Department is responsible for all matters pertaining to general principles and policies regarding socio-economic planning, development programmes, general principles relating to the financing of the Plan and Central assistance for plan schemes, foreign technical assistance and coordination of development activities.

Control over finances how effected

In order to make the control of the Finance Department in financial matters effective, provision has been made in the Rules of Business prescribed under article 166 of the Constitution of India as follows in rule 11:—

(1) No Department shall without previous consultation with the Finance Department authorise any orders (other than orders pursuant to any general delegation made by the Finance Department) which—

- (a) either immediately or by their repercussion, will affect the finances of the State, or which, in particular—
 - (i) involve any grant of land or assignment of revenue or concession, grant, lease or license of mineral or forest rights or a right to water power or any easement or privilege in respect of such concessions,
 - (ii) in any way involve any relinquishment of revenue;
 - (b) relate to the number or grading or cadre of posts or the emoluments or other conditions of service of posts.
- (2) No proposal which requires the previous consultation of the Finance Department under sub-rule (1) but in which the Finance Department has not concurred, may be proceeded with unless decision to that effect has been taken by the Council (of Ministers).
- (3) No reappropriation shall be made by any Department other than the Finance Department, except in accordance with such general delegation as the Finance Department may have made.
- (4) Except to the extent that power may have been delegated to the Departments, under rules approved by the Finance Department, every order of an administrative Department conveying a sanction to be enforced in audit shall be communicated to the audit authorities by the Finance Department.
- (5) Nothing in this rule shall be construed as authorising any Department, including the Finance Department, to make reappropriations from one grant specified in the Appropriation Act to another such grant.

Scrutiny of proposals for expenditure

The Finance Department does not initiate proposals for expenditure except in cases where it functions as an administrative department, i.e. in relation to the Sales Tax Department, the Directorate of Accounts and Treasuries, the Bureau of Economics and Statistics and the Directorate of Small Savings. The administrative departments concerned initiate proposals for expenditure and the Finance Department is responsible for their scrutiny. While scrutinising references from other departments, it tenders advice on financial matters. The work is of a special character and the way it is done is, therefore, briefly explained. Almost all proposals which involve financial implications are referred to the Finance Department by the administrative departments of the Secretariat with detailed justification. The manner in which references pertaining to such proposals are made to the Finance Department depend on whether the proposal constitutes a new service or is merely in pursuance of an existing scheme or service which has already been approved in consultation with the Finance Department. In the latter case, proposals can be referred to the Finance Department at any time of the year, and they are generally financed from within the grants already sanctioned for that

service in the budget or by reappropriation of funds. When a proposal constitutes a new service it has to be referred to the Finance Department within a specified time limit for scrutiny with a view to including it in the budget for the next financial year. The bulk of references made to the Finance Department are unofficial in the sense that, instead of writing a self contained letter to the Finance Department, the relative papers are shown to it. These papers are returned to the administrative department concerned after recording the views of the Finance Department. New Schemes of an urgent character may, however, be undertaken in the course of the financial year, subject to a supplementary demand being presented to the Legislative Assembly and passed by it.

Staff of Department

At the head of the Department is the Secretary. Under him are (a) a Joint Secretary, who is also Director of Accounts and Treasuries and who, as a Secretariat officer, is responsible not only for work at the Secretariat level relating to Accounts and Treasuries, but also for work relating to the Government Insurance Fund; (b) a Financial Adviser who belongs to the Indian Audit and Accounts Service and who scrutinises proposals for expenditure from certain Departments which are responsible for large capital works and (c) an Officer on Special Duty who is in charge of an investigation unit for investigating the scope for economies in expenditure and the position about arrears in recoveries of loans and of a pension unit dealing with outstanding pension claims. There are also eight Deputy Secretaries, eighteen Under Secretaries, an Insurance Officer, a Deputy Insurance Officer, an Assistant Insurance Officer, four Investigating Officers in the Investigating Unit, an Additional Manpower Officer, a Research Officer (Manpower Wing), a Special Officer (Planning), an Assistant Financial Adviser for matters relating to the Koyna Project, a Small Savings Officer, a Special Officer for Prize Bonds, an Officer on Special Duty, who is in charge of the branch which deals with Sales Tax and other taxes and levies and who also deals with establishment matters relating to the Sales Tax Department, and an Accounts Officer in charge of pay fixation under the Revised Pay Rules. The rest of the establishment is similar to that employed in the other Departments of the Secretariat, except for a few Senior Investigators, Planning Supervisors and Research Assistants employed in the Unit for Budgetary Procedure and Management and the Planning Division. In addition to the officers working in the Finance Department itself, the Special Secretary to Government (Finance) in the General Administration Department functions as a Special Secretary in the Finance Department to facilitate quick disposal of financial questions relating to defence projects.

Distribution of work

Except in the Planning Division, the primary units of work are noting branches constituted on the general pattern in the Secretariat, viz. a

Superintendent, some Assistants and some Clerks. Six of the branches which are concerned with the scrutiny of proposals from certain Secretariat departments, have, however, been converted into pilot branches under the Financial Adviser. These branches each consist of only an Under Secretary, a Superintendent or an Assistant and a General Duty Clerk. In these branches the usual noting below officer level is dispensed with. The distribution of work among the branches has been made in such a manner that all references pertaining to the finances or services of a particular department of the Secretariat are received and dealt with in a single branch, irrespective of the subject matter of those references.

References from other Departments regarding expenditure

There are nine branches, including the six pilot branches mentioned above, which deal with proposals coming from various Secretariat departments.

Budget

Three branches deal with appropriation accounts, ways and means and the budget of the State. The working of these branches requires to be described in detail. Actually, when the budget for the next financial year is to be prepared, additional staff consisting of a number of Superintendent, Assistants and Auditors is sanctioned. The preparation of the budget starts six months before the commencement of the financial year. The Finance Department calls for estimates of expenditure which are divided into :

(1) Part I (A) dealing with fixed pay and allowances for officers whose salaries are drawn by personal bills;

(2) Part I (B) dealing with estimates for other fixed charges, viz. pay and allowances of establishment, contract contingencies, etc;

(3) Part II (A) dealing with fluctuating charges, such as provision for temporary establishment, ordinary travelling allowance and fluctuating contingencies;

(4) Part II (B) dealing with new schemes of expenditure. From October to December of each year the Finance Department has to go through a mass of material relating to Parts I(A), I(B) and II(A) of the budget estimates of the following year. These estimates are based on certain general principles and are disposed of by the budget officers. Unless this work is completed and the estimates of receipts which are simultaneously processed are ready, it is not possible to assess the total bill on account of standing charges for the maintenance of existing activities and the resources available to meet them. As regards new items, they are divided between Section I New Items, which consist of entirely new proposals, and Section II New Items, which consist of works in progress and temporary schemes which have been sanctioned

from time to time. It is necessary to accommodate the Section II New Items before provision is allowed for Section I New Items. The New Items are supposed to reach the Finance Department by the end of October at the latest, but in practice they continue coming in much later. By the middle of December, the Finance Department is expected to make a provisional financial forecast of the amount likely to be available for new activities on the basis of existing revenues. Items like additional taxes proposed to be levied, the Central assistance likely to be received and the open market loans proposed to be raised are known at a later stage. By the middle of January the budget is finalised, as it has to be presented to the State Legislature in February. The branches responsible for the budget also prepare the documents required to be presented to the Legislature in connection with the budget. These are the Civil Budget Estimates, the detailed estimates of Five Year Plan Schemes, the Budget Memorandum and the Financial Statement. The branches also deal with the framing of revised estimates, the presentation of supplementary demands to the Legislature, the sanctioning of advances from the Contingency Fund and the preparation of Appropriation Bills. The branch dealing with appropriation accounts also deals with recommendations of the Public Accounts Committee relating to the Finance Department and general financial matters like financial rules, delegation of financial powers, rules relating to advances for purchase of motor cars or house-building, fixation of the rate of interest on provident funds etc. and the Bombay State Guarantees Act, 1958. The branch dealing with ways and means also deals with investments in treasury bills and long-dated securities, the sale and purchase of securities, flotation of loans by the State Government and municipal corporations and sinking and depreciation fund accounts for Government loans.

Service Branches

Three branches deal with service matters, such as leave, pension, commutation of pensions, travelling allowance, foreign service, daily allowances and revision of pay scales. One of these branches also deals with matters arising out of the Companies Act, which, though a Central Act, entails work at the State Government level, such as scrutiny of complaints from members of the public against the working of companies in the State. Another branch deals with the revision of the various manuals of the Department.

Administrative work

There are four branches which deal with the establishment of the Finance Department and of the offices which are under the administrative control of the Finance Department, viz. Sales Tax Department, the Maharashtra Sales Tax Tribunal, Directorate of Accounts and Treasuries, Small Savings Directorate, Bureau of Economics and Statistics and the offices of the Registrars of Firms. Another branch deals with the administration of

the Sales Tax Act and other taxation measures. The branch which deals with establishment matters relating to the Small Savings Scheme is under the charge of a Deputy Secretary and Joint Director of Small Savings assisted by a Small Savings Officer and a Special Officer, Prize Bonds.

Insurance work

There is a separate branch which deals with insurance. The branch is responsible for the management of the General Insurance Fund instituted by the State Government and for work relating to life insurance policies of ex-Hyderabad State employees who are now serving in Maharashtra State. There is an Insurance Officer, assisted by a Deputy Insurance Officer and two Assistant Insurance Officers, for this branch and the staff of the branch is much larger than that of any other branch in the Department. The Insurance Fund was started primarily to extend insurance cover to properties of the State Government pertaining to its commercial or industrial activities which would ordinarily be insured according to trade practice. The Fund has also been used to provide insurance cover to other properties of the State Government which were previously insured. All separate insurance funds previously maintained for individual properties have been merged in this General Insurance Fund. The main types of insurance business transacted by the Fund are fire insurance, marine insurance, hull insurance, motor insurance and inland transport insurance. Other types of risks accepted include fidelity guarantees, aeroplane insurance, employers' liability insurance, machinery insurance (including boiler explosion insurance) and cash-in-trade insurance. The premium rates charged by the Fund are comparable to those charged by the Indian Insurance Companies' Association Pool or other leading insurers in India. In suitable cases part of the risk is coinsured with the Indian Insurance Companies' Association Pool or is re-insured with other approved insurers. Some of the important assets and activities of the State Government and other authorities covered by the Fund are, the Aarey Milk Colony and the Milk Transport Service, the Government Transport Service, food grains of the Civil Supplies Department, the Haffkine Institute, the Fisheries Technological Laboratory, the Government Central Workshop and Stores, Nagpur, Chitali Distillery, the Koyna Hydro Electric Project, the Alapalli Saw Mills, Ballarshah, the Maharashtra State Electricity Board, the Maharashtra Housing Board, the Shri Shahu Chhatrapati Mills, Kolhapur, the Narsinggirji Mills, Sholapur, and the Sholapur Electricity Undertaking. The business emanating from the Cooperative Sugar Factories in which the State Government is interested as a shareholder is also undertaken by the Insurance Fund. As regards the insurance policies of ex-Hyderabad State employees, the former Hyderabad State maintained an Insurance Fund with which every employee was required to insure his life. After reorganisation of States in 1956 it was agreed between the Government of Bombay and the Government of Andhra Pradesh that the latter Government should continue

to manage the portion of the Fund pertaining to the policies of Hyderabad State employees allocated to the Bombay State, with option to the Government of Bombay to withdraw at any time within five years. Accordingly, the Government of Maharashtra took over from 1st July 1961 the administration of the Hyderabad State Life Insurance Fund to the extent of policies on the lives of the employees of the ex-Hyderabad State who were serving in Maharashtra State. No new business is transacted from the Fund.

Planning Division

Special mention must be made of the Planning Division of the Finance Department which consists of five Wings. The Economic Wing undertakes studies of the broad pattern of the State economy as a whole and works out estimates of capital formation and resources for long term development. The Resources Wing takes up continuous studies regarding optimum mobilisation and utilisation of current resources, and special studies of the financial operations of Statutory Boards and Corporations and trading schemes run by different departments. The Programme Wing formulates detailed annual programmes within the frame-work of the Five Year Plan in consultation with the Heads of Departments and Secretariat Departments and watches the implementation of the Plan in the public and private sectors. The Evaluation Wing evaluates the achievements with reference to original intentions. Preliminary studies relating to the preparation of the Fourth Five Year Plan are also to be undertaken in this Wing. The Manpower Wing is responsible for assessing manpower requirements and for formulating measures to secure the required trained personnel of different categories. The Economic Wing is under a Chief and the Resources Wing under a Special Officer. The Programme Wing and the Evaluation Wing are each under an Under Secretary and the Manpower Wing is under an Additional Manpower Officer.

Investigating Unit

Recently an Investigating Unit has been started in the Finance Department under the Officer on Special Duty who is assisted by four Investigating Officers and four Senior Investigators. The Unit consists, in addition, of a skeleton branch of two Assistants and a General Duty Clerk. The duties assigned to the Unit are the investigation of the scope for economies in expenditure and the assessment of the position of arrears in payments in respect of loans made by the State Government.

Heads of Departments and Offices

The following Heads of Departments and Offices are under the control of the Finance Department:

- (a) The Commissioner of Sales Tax;

- (b) The Director of Accounts and Treasuries, who is also *ex-officio* Joint Secretary to Government;
- (c) The Director, Bureau of Economics and Statistics;
- (d) The Registrars of Firms;

The Secretary, Finance Department, himself acts as Director of Small Savings.

Statutory and non-statutory bodies

The following bodies are connected with the working of the Finance Department:

(1) *Sales Tax Tribunal*

This is a statutory body which adjudicates on matters in dispute relating to Sales Tax.

(2) *Sales Tax Advisory Committee*

The Committee consists of the Secretary, Finance Department, as Chairman and nine other official and non-official members. It functions in an advisory capacity. It makes suggestions to remove procedural defects and inconveniences caused to the traders and to the public in different ways. The Committee assists the Government in devising suitable measures for preventing the evasion of tax. The Committee is also consulted on other matters relating to the administration of Sales Tax.

(3) *Committee to examine applications for notification of spirituous medical preparations under entry No. 69 of Schedule C appended to the Bombay Sales Tax Act, 1959*

The Committee consists of a Chairman, a Vice-Chairman, a Secretary and five members. It examines applications for notification in the *Official Gazettee* of spirituous preparations as not being capable of use as intoxicants.

(4) *Maharashtra State Small Savings Advisory Board*

The Chief Minister is the President of the Board and the Minister, Small Savings, is the Chairman. The Board meets at least once a year and helps in formulating the policy and finding out ways and means for the successful implementation of the Small Saving Scheme. There are Divisional and District Advisory Committees at divisional and district levels and there are City Advisory Committees for Greater Bombay and Poona. Representatives of the *Zilla Parishads* have been brought on the Board as well as on the

Committees. The Advisory Committees actively help in intensifying the scheme and removing hurdles in the way of investments.

(ix) Buildings and Communications Department

Special character of department

The Buildings and Communications Department of the Secretariat was formed in 1960 along with the Irrigation and Power Department of the Secretariat by the bifurcation of the Public Works Department, and it inherits the dual structure of its parent Department, in so far as it functions both as a Secretariat Department and as the headquarters office of the executive head of the Buildings and Communications Department, viz. the Chief Engineer (Buildings and Communications) and of the executive head of the Ports Organisation, viz. the Chief Ports Officer. In this respect the Department and the Irrigation and Power Department of the Secretariat differ from the other Secretariat departments which, even where they include executive Heads of Departments like the Industries Commissioner and the Dairy Development Commissioner as *ex-officio* Additional or Deputy Secretaries to Government, do not serve as the headquarters offices of these executive heads. The difference in structure stems from the fact that in the past the Public Works Department of the Secretariat did not have at its head a non-technical Secretary to Government as the other Departments had. The two Chief Engineers were also Secretaries to Government and their joint office served both as a Secretariat Department and as the headquarters office of an executive department. When some years ago the State Government decided to appoint a non-technical Secretary to Government at the head of the Public Works Department of the Secretariat, it was not considered necessary to effect a division of the functions of the Department according as they pertained to the Secretariat proper or to the responsibilities of the Chief Engineers as executive heads of their sections of the Public Works Department (viz. Roads and Buildings in the case of one Chief Engineer and Irrigation in the case of the other). It will, therefore, be found that in both the successor Departments, viz. the Buildings and Communications Department and the Irrigation and Power Department, not only do the Chief Engineers function as Joint Secretaries to Government, but most of the Deputy and Under Secretaries are drawn from the Maharashtra Service of Engineers (though there are also some non-technical Deputy, Under or Assistant Secretaries to Government drawn from the Indian Administrative Service or from the pool of officers drawn from the Secretariat establishment) and the staff includes other technical personnel, like Deputy Engineers, Overseers, Draftsmen and Tracers.

Functions as Secretariat Department

As a Secretariat Department, the Buildings and Communications Department is concerned with matters relating to: (a) works, lands and

buildings vesting in the State Government, (b) roads, bridges, ferries, minor railways which do not come within the responsibility of the Union Government, municipal tramways, ropeways, inland waterways and minor ports, (c) housing for servants of the State Government, (d) parks and gardens (not, however, including national parks which are the responsibility of the Revenue and Forests Department of the Secretariat), (e) historical monuments (other than national monuments) so far as their maintenance and repairs are undertaken by the State Government, (f) development of hill stations (other than those which are under municipalities) and holiday camps, (g) construction and maintenance of electrical installations in Government buildings, (h) shipping and navigation on inland waterways, (i) the Backbay Reclamation Scheme and (j) the village telephone system. The Department also deals with several subjects in the Union list of subjects so far as they are required to be handled by the State Government. The more important of these are: (a) works, lands and buildings vesting in the Union Government, (b) railways, (c) construction of air-strips and landings grounds, (d) execution on agency basis of works on behalf of the Central Government, (e) meteorological organisations and observatories, and (f) light-houses and lightships, beacons and other provisions for the safety of shipping and aircraft.

Functions of Department as headquarters office of Chief Engineer

As the headquarters office of the Chief Engineer (Buildings and Communications), the Department is concerned with the grant of technical sanction and administrative approval to works within the power of the Chief Engineer, the giving of expert guidance to lower officers, periodical inspection of works in progress, and control, concurrently with the Accountant General, over the accounts maintained by lower officers. These are matters in which the Chief Engineer (Buildings and Communications) functions as an executive Head of Department, but, in so far as they require attention or orders at the Secretariat level, his position as Joint Secretary to Government enables him to take decisions, after consultation, where necessary, with the other departments of the Secretariat, or obtain the orders of the Minister (or the Council of Ministers) either direct or through the non-technical Secretary to Government, as internal procedure rules may require, without having to put up proposals for examination and further action in the Secretariat, as would be necessary if the Chief Engineer did not have a position in the Secretariat, or if his headquarters office were located outside the Secretariat Department, as is the case with the headquarters offices of the Dairy Development Commissioner and the Industries Commissioner as already mentioned.

Position of Chief Engineer vis-a-vis Secretary

The conferment of Secretariat rank on the Chief Engineer (Buildings and Communications) and the functioning of the Secretariat Department as

his headquarters office as well renders his position *vis-a-vis* the non-technical Secretary to Government somewhat different from that of executive heads of departments under the other departments of the Secretariat, since he shares with the non-technical Secretary to Government responsibility for work done at the Secretariat level, though in matters of policy or of major importance, he would mark the papers to the non-technical Secretary before making a reference to another department of the Secretariat or passing orders or submission to the Minister. Overall responsibility is, however, that of the non-technical Secretary to Government.

Functions of Department as headquarters office of Chief Ports Officer

As the headquarters office of the Chief Ports Officer, Maharashtra State, the Department is concerned with the administration of minor ports. The Chief Ports Officer functions not only in an executive capacity, exercising some of the powers of a Head of Department, but also as Deputy Secretary to Government, and in this capacity assists the non-technical Secretary to Government in the disposal of cases relating to the Ports Organisation at the Secretariat level. Like the Chief Engineer (Buildings and Communications), the Chief Ports Officer has no separate headquarters establishment, but he has the assistance of an Accounts Officer in Class II service, and of a Personal Assistant who is drawn from the Secretariat establishment.

Organisation

As mentioned above, the organisation of the Department reflects its dual nature. At the head of the Department is the non-technical Secretary to Government with the Chief Engineer (Buildings and Communications) as Joint Secretary. Directly under the Secretary to Government is a non-technical Deputy Secretary (Establishment) under whom are four non-technical Under or Assistant Secretaries, and the Chief Ports Officer, as *ex-officio* Deputy Secretary. The section of the Department under the non-technical Deputy Secretary consists at present of eleven noting branches, constituted like branches in other Secretariat departments, a Registry and a Cash Section. There is also in this section of the Department a Drawing Section which serves the needs of the whole Department, consisting of a Head Draftsman, a Draftsman, two Assistant Draftsmen and five Tracers. There are also, as in other departments of the Secretariat, a number of Stenographers and Typists, including one Head Typist. Each Under Secretary or Assistant Secretary has two or three branches or other sections of the Department under him. The matters dealt with in the section of the Department under the non-technical Deputy Secretary are housing of Government servants, inspection reports, registration of contractors, lease of lands and *maidans*, matters relating to ports in the State, planning, appropriation accounts, budget, establishment and service matters, including examinations, pensions and training. Under the

Chief Engineer and *ex-officio* Joint Secretary to Government is a Superintending Engineer who also functions as Deputy Secretary. Under the Superintending Engineer are a technical Deputy Secretary (Roads) of the rank of Executive Engineer, three technical Under Secretaries of the rank of Executive Engineer and a Research Officer of the rank of Deputy Engineer in Class II service. Two of the Under Secretaries and the Research Officer are placed under the Deputy Secretary (Roads) and the third Under Secretary is directly under the Superintending Engineer and *ex-officio* Deputy Secretary. The other technical staff consists of five Deputy Engineers. The non-technical establishment consists of six noting branches constituted like those in the non-technical section of the Department and a Statistical Section under the Research Officer, consisting of a Research Assistant and a Statistical Assistant, concerned with the maintenance of road statistics. There are also two Overseers on the staff. The work done in the noting branches in the technical section of the Department relates to national highways and other roads, ports, Central Road Fund and Central Aid Works, stores and machinery, administrative building works and electrical installations. The non-gazetted staff of the Department (other than the staff in the Statistical and Drawing Sections which has already been mentioned) consists of some 185 persons. A seasonal addition is made to the staff each year of some ten persons for budget work.

Executive officers under Chief Engineer

The only Head of Department under the Buildings and Communications Department of the Secretariat is the Chief Engineer (Buildings and Communications). Under him, however, are certain officers who function in certain respects as Heads of Department or independent authorities. These are the Electrical Engineer to Government, the Architect to Government, the Superintendent of Parks and Gardens, the Technical Examiner and seven Superintending Engineers in charge of Circles.

Chief Ports Officer

The Chief Ports Officer is another executive officer under the Buildings and Communications Department of the Secretariat but he is not invested with all the powers and functions of a Head of Department. As already mentioned, he also functions as Deputy Secretary to Government.

Advisory Boards and Committees

There are no statutory corporations or boards functioning under the Buildings and Communications Department. Non-statutory boards and committees are the Board of Communications, the State Port Advisory Board and the State Transport Road Development Fund Committee. The Board of Communications is presided over by the Minister for Buildings and

Communications and consists of several officials and non-officials, including representatives of the railways, airlines, transport authorities and commercial and industrial interests. The Board advises regarding comprehensive development of communications and measures for coordination of various means of communication. It also maintains statistics regarding traffic rates. The State Port Advisory Board is also presided over by the Minister for Buildings and Communications, and consists of a number of officials and non-officials. It advises the State Government regarding minor ports, including legislation, levy of port dues, conservancy, navigational aids, facilities for passengers and the handling of goods, safety measures and other requirements for efficient management of minor ports, facilities for the fishing trade and publicity. The State Transport Road Development Fund Committee consists of the Secretary to Government, Home Department, as Chairman and five other officials. The Committee is responsible for the administration of the fund set aside for road development with the specific purpose of providing road facilities for improved service by the State Road Transport Corporation.

(x) Irrigation and Power Department

Special character of Department

As pointed out in the description of the Buildings and Communications Department of the Secretariat, the Irrigation and Power Department of the Secretariat was established in 1960 to take over part of the responsibilities of the Public Works Department of the Secretariat as it existed prior to 1st May 1960. The Department also shares with the Buildings and Communications Department the dual character of Secretariat Department and headquarters office of the executive Head of Department, but, whereas there is only one such executive Head of Department within the Buildings and Communications Department, viz. the Chief Engineer (Buildings and Communications), who has responsibility over practically the whole range of subjects allotted to the Department, there are as many as four Chief Engineers within the Irrigation and Power Department and, in addition, two Chief Engineers concerned with the Koyna Hydro-Electric Project who are purely executive officers and have no Secretariat functions. While, therefore, for the most part the Irrigation and Power Department is distinguishable from other Secretariat Departments in the same manner as is the Buildings and Communications Department, in so far as it has two executive Heads of Departments outside the Secretariat structure, there is a separation of Secretariat and executive functions to a limited extent, so far as work relating to the Koyna Hydro-Electric Project is concerned. Like the Buildings and Communications Department, the Irrigation and Power Department has on its staff, in addition to the four Chief Engineers who are *ex-officio* Joint Secretaries to Government, a number of technical officers of the Maharashtra Service of Engineers holding the positions of Deputy Secretaries and Under Secretaries and a certain number

of other technical officers for work relating to the executive responsibilities of the Chief Engineer.

Functions of the Department as Secretariat Department

As a Secretariat Department, the Irrigation and Power Department is concerned mainly with matters relating to: (a) irrigation and canals, drainage and embankments, water storage and water power and tube wells for irrigation purposes, (b) investigation, preparation and execution of irrigation, hydro-electric and multipurpose projects, (c) preparation, execution and operation of projects for water supply and drainage when required to be done by Government agency, (d) management of completed irrigation projects, (e) administration of Irrigation Acts and betterment levies and the levy of irrigation cess on areas commanded by projects, (f) flood control works, (g) schemes for improvement of water-logged areas, (h) research in engineering, and (i) inter-State river water disputes.

Functions of Department as headquarters office of Chief Engineers

As the headquarters office of the four Chief Engineers who are *ex-officio* Joint Secretaries to Government, the Department is concerned with direction and control over: (a) the investigation of major irrigation projects and the design of major dams, (b) the investigation of water resources and preparation of master plans, (c) the construction of irrigation projects, (d) the management and administration of established irrigation projects, and (e) the design and construction of public health projects. The description given of the functioning of the Chief Engineer (Buildings and Communications) both as executive head of department and as a Secretariat officer and also the remarks about his relations with the non-technical Secretary to Government apply also to the four Chief Engineers in the Irrigation and Power Department who are *ex-officio* Joint Secretaries.

Organisation

At the head of the Department is the non-technical Secretary to Government, with four Chief Engineers, viz. the Chief Engineer (Irrigation Projects-I), the Chief Engineer (Irrigation Projects-II), the Chief Engineer (Irrigation) and the Chief Engineer (Minor Irrigation and Public Health) as *ex-officio* Joint Secretaries. It may be mentioned that the Chief Engineer (Minor Irrigation and Public Health) functions, in addition, as *ex-officio* Joint Secretary, Urban Development and Public Health Department, in respect of water works and sanitary projects which are the administrative responsibility of that Department, though entrusted for execution and management on an agency basis to the Irrigation and Power Department. The Chief Engineer (Irrigation Projects-I) is responsible for the investigation of

major irrigation and hydro-electric projects, the design of major dams, quality control, the preparation of master plans and the administration of the Maharashtra Engineering Research Institute. The Chief Engineer (Irrigation Projects-II) is concerned with the construction of major irrigation projects, the investigation of water resources and the Mechanical Organisation. The Chief Engineer (Irrigation) is concerned with the management and administration of established irrigation projects, the design and construction of medium projects, flood control and other miscellaneous items. The Chief Engineer (Minor Irrigation and Public Health) is responsible for the design and construction of minor irrigation and public health (i.e. water supply and drainage) works. Directly under the Secretary to Government is a non-technical Deputy Secretary, under whom are six non-technical Under Secretaries or Assistant Secretaries. The section of the Department under these non-technical officers consists of eight regular branches, constituted like noting branches in other departments of the Secretariat, which deal with work relating to the Koyna Hydro-Electric Project, establishment matters, organization and methods, budget, appropriation accounts and planning. There are also two smaller units called cells, one for the Koyna Project, consisting of a Superintendent, two Assistants and two General Duty Clerks, and one for dealing with the fixation of the seniority of Overseers, consisting of three Assistants and a General Duty Clerk. This section of the Department also includes the Central Registry. The rest of the Department is under the four Chief Engineers who function as *ex-officio* Joint Secretaries. Assisting the Chief Engineers are six technical Deputy Secretaries, three of the rank of Superintending Engineer and three of the rank of Executive Engineer, four technical Under Secretaries of the rank of Executive Engineer, and two non-technical Under or Assistant Secretaries. There are also twenty Deputy Engineers. One of the Deputy Secretaries is responsible for the inspection of circle offices and, therefore, is not strictly a Secretariat officer. He has under him a Deputy Engineer, a head clerk, an assistant and a Senior Accounts Clerk and he reports to the Chief Engineer concerned. The other Deputy Secretaries function both as Secretariat officers and as technical assistants to the Chief Engineers, one of them being answerable both to the Chief Engineer (Irrigation Projects-I) and the Chief Engineer (Irrigation Projects-II) and two of them being answerable to the Chief Engineer (Irrigation). There is no Deputy Secretary to assist the Chief Engineer (Minor Irrigation and Public Health), work coming up to him direct from two technical Under Secretaries and one non-technical Assistant Secretary. In respect of Defence Projects, work comes up direct to the Chief Engineer from the Superintending Engineer, Bombay Public Health Circle, without the intervention of any Secretariat officer. At the non-gazetted level, the section of the Department under the four Chief Engineers consists, in addition to the Inspection Unit already mentioned, of ten noting branches constituted like noting branches in other Secretariat departments, and one smaller unit or cell for irrigation projects, consisting of two Assistants and a General Duty Clerk. In addition,

there is a Cash Section, a Library and a Drawing Section serving the whole Department. Also serving the whole Department is the pool of stenographers and typists. The non-gazetted staff of the Department, exclusive of the Inspection Unit, consists of some 315 persons, including some draftsmen and tracers. A seasonal addition of some seven persons is made every year for budget work.

Executive Heads of Department

In addition to the four Chief Engineers who are also Joint Secretaries to Government and whose headquarters offices are incorporated in the Secretariat Department, there are two Chief Engineers under the Irrigation and Power Department who have no Secretariat functions and who consequently have their headquarters establishments outside the Secretariat. These are the Chief Engineer, Koyna, with his headquarters at Koyna and the Chief Engineer (Electrical), Koyna, with his headquarters in Bombay. These two Heads of Department are concerned solely with the execution of the Koyna Hydro-Electric Project, whose magnitude and wide scope necessitate an independent executive organisation. The work relating to the project which requires to be done at the Secretariat level is handled in the non-technical section of the Irrigation and Power Department, and does not come within the responsibility of any of the Chief Engineers who function as Joint Secretaries to Government.

Boards and Committees attached to Department

There are no statutory boards or corporations operating in the field of responsibility of the Irrigation and Power Department of the Secretariat. A number of non-statutory boards and committees have, however, been appointed. These are:

- (a) The Maharashtra State Irrigation Board;
- (b) The Koyna Control Board;
- (c) The Maharashtra State Flood Control Board;
- (d) The Maharashtra State Technical Advisory Committee for Flood Works;
- (e) The Committee of Engineers for public works affecting railways.

The Maharashtra State Irrigation Board is under the Chairmanship of the Minister for Irrigation and Power and has twenty-seven members, eleven officials and sixteen non-officials. The Board advises the State Government on all general questions relating to development and management in the field of irrigation. The Koyna Control Board is also under the Chairmanship of the Minister for Irrigation and Power. It has sixteen members, official as well as non-official, including representatives of the Maharashtra State

Electricity Board and the B.E.S.T. Undertaking of the Bombay Municipality. The Secretary to Government, Irrigation and Power Department, is the Secretary of the Board. It is the function of the Board to exercise general supervision over the execution of the Koyna Hydro-Electric Project. The Maharashtra State Flood Control Board is under the Chairmanship of the Minister for Irrigation and Power and has eighteen members, six non-officials and twelve officials, with a Deputy Secretary from the Department as Member-Secretary. The Board is concerned with the assessment of the problem of floods and with advising as to measures for flood-prevention and flood relief. The Maharashtra State Technical Advisory Committee is ancillary to the Maharashtra State Flood Control Board. Its function is to give technical advice to the Board on matters referred to it by the Board and to organise surveys, investigations and the collection of data relating to flood control. The Chief Engineer (Irrigation) is Chairman of the Committee, which has ten other members, including the Deputy Chief Engineers of the Central, Western and Southern Railways and the Chief Engineer Floods (F.I.) of the Central Water and Power Commission. A Deputy Secretary from the Irrigation and Power Department is Member-Secretary. The Committee of Engineers for public works affecting railways has been set up at the instance of the Government of India for the purpose of ensuring that public works which affect railway tracks are regularly inspected, properly maintained and promptly repaired. The Chief Engineer (Irrigation) is Chairman of the Committee. The other Chief Engineers, including the Chief Engineer (Buildings and Communications), are members, as are the Chief Engineers of the Western, Central, Southern and South Eastern Railways. A Deputy Secretary in the Irrigation and Power Department is Member-Secretary. The Committee maintains an up-to-date list of works etc. affecting the railways and has worked out a procedure for prompt receipt and broadcasting of warnings and forecasts of heavy rain, floods and storms and for assessing the adequacy of waterways, protection works, etc. in flood affected areas.

(xi) Law and Judiciary Department

Dual function of Department

The Law and Judiciary Department of the Secretariat, like the General Administration Department and the Finance Department, has a dual function to discharge. Like these Departments, it has, in respect of certain subjects, the same functions as the other administrative departments of the Secretariat. In respect of other subjects, however, its function is that of referee over the whole range of Government activity. This involves giving legal advice to the Government and Heads of Departments and rendering technical assistance in all legal matters, including the direction of litigation and the drafting of legislation, both principal and subordinate. This dual function of the Department is reflected in its constitution, consisting as it does of legal experts

as well as personnel with qualifications and functions similar to those of the personnel of the other departments of the Secretariat. It must, however, be noted that, though the Department does contain legal experts and does itself carry out important functions in connection with litigation with which the Government is concerned, it also has at its disposal the services of various law officers outside the Secretariat whose functions have been described in Chapter 25. Another distinctive feature of the Department which needs mention is that it alone of all Secretariat departments has a branch office outside Bombay. For expeditious handling of cases before the Nagpur Bench of the High Court it has been considered desirable to station a Deputy Secretary with a small staff at Nagpur.

Subjects dealt with by Department in its administrative capacity

Among the subjects assigned to the Department in respect of which it functions in the same manner as the other administrative departments of the Secretariat are the following: the administration of justice; constitution and organisation of all courts except the Supreme Court and the High Court; jurisdiction of all courts except the Supreme Court; appointment, remuneration, etc. of all law officers of Government; criminal law and procedure; civil procedure; evidence and oaths; marriage and divorce (except registration of marriages); infants and minors; wills, intestacy and succession; trusts and trustees, including administration of the Bombay Public Trusts Act, 1950, but excluding *Waqfs*; endowments and charities; contracts, arbitration, bankruptcy and insolvency; actionable wrongs; salaries, allowances, powers, privileges and immunities etc. of members of the Legislature of the State, rules of procedure of the Legislature of the State and matters connected with Parliament; and the legal profession and the Notaries Act. Except in respect of the administration of justice and the administration of the Bombay Public Trusts Act, 1950, the Charitable Endowments Act, 1890, and the Societies Registration Act, 1860, which involve administrative functions in relation to the Judicial Department, including the High Court and courts subordinate thereto and the law officers of Government, and in relation to the Charity Commissioner and the Registrar of Societies, the main function of the Department in respect of the subjects enumerated above is that of watching the adequacy of the relevant laws to cover the requirements, since little administrative action is called for on the part of the State Government in respect of these subjects.

Subjects dealt with by Department as specialist agency

The subjects assigned to the Department, in respect of which it functions as a specialist agency at the disposal of the Government generally, are the following: legal advice to the Government and to Heads of Departments; supervision and conduct in all courts of civil and criminal

litigation in which the Government or Government officers are concerned or interested, including writs and appeals in the High Court and the Supreme Court; drafting and other technical matters relating to legislation in the State in regard to State subjects and concurrent subjects, and legal advice to Government in connection therewith; all Government conveyancing work in the State.

Operation of Law Officers' Rules

The functions of the Law and Judiciary Department in respect of legal advice and litigation are regulated by the provisions of the Law Officers' Rules which specify who is entitled to the legal advice of the Department and which also provide that no civil proceedings should be instituted on behalf of the Government except in accordance with the rules and after obtaining the sanction and instructions of the Law and Judiciary Department. The defence of the Government and Government officers is also conducted in accordance with instructions issued by the Department. Appeals in both civil and criminal cases require the sanction of the Department and its instructions have to be followed. The engagement of special counsel on behalf of Government also requires its sanction.

Structure

At the head of the Department is the Secretary who is *ex-officio* Legal Remembrancer to Government. In view of the special character of the duties of the post, the incumbent is required to have legal qualifications or training and he has hitherto been an officer of considerable judicial experience. Associated with the Secretary is an Additional Secretary. Directly under the Secretary are a Joint Secretary for legislation and drafting, assisted by a Deputy Secretary, a Solicitor and *ex-officio* Joint Secretary for litigation in Greater Bombay, conveyancing and certain other matters, assisted by an Assistant Solicitor, a Solicitor for mofussil litigation of the rank of Deputy Secretary and a Deputy Secretary, assisted by two Under Secretaries, for work relating to the Judiciary and the courts. The Additional Secretary has directly under him a Joint Secretary and an Under Secretary. Under the Joint Secretary are three Deputy Secretaries, one for Civil Law, one for Criminal Law and one stationed at Nagpur to deal with all cases, civil and criminal, in the Nagpur High Court, and an Under Secretary. In addition to the four Under Secretaries mentioned above as directly under the Secretary, Additional Secretary or Joint Secretary, there are five Under or Assistant Secretaries. The primary units of work are eleven branches, of which one is stationed at Nagpur. In addition, there is a Registry, Library and a Typing Section. The composition of some of the noting branches in the Department is similar to that of branches in other Departments (*viz.* a superintendent, two to five assistants, and two or three general duty clerks), but in the case of four branches the general pattern is not followed. The branch dealing with legal opinions and

casual litigation in civil and criminal matters has two superintendents instead of one and the work from the branch is submitted to three different officers of the rank of Under or Assistant Secretary, according as they are responsible for cases relating to civil law or to criminal law. The branch dealing with litigation in Greater Bombay and conveyancing work also has two superintendents, though it submits work only to a single officer (Assistant Solicitor). The branch handling drafting of legislation has as many as four superintendents and eight assistants and work from the branch is submitted to two officers of the rank of Under or Assistant Secretary. The branch at Nagpur does not have a superintendent. It consists only of two assistants. Below the level of Assistant Secretary the staff of the Department consists of some 140 persons.

Special nature of personnel

Unlike the other departments of the Secretariat, the Law and Judiciary Department does not draw on the Indian Administrative Service for manning any posts of officers. Except for the Joint Secretary for Legislation and Drafting and one Deputy Secretary, who have been promoted from the Secretariat cadre, and the Solicitor and *ex-officio* Joint Secretary and the Assistant Solicitor, who are qualified attorneys-at-law, specially recruited from the profession, the officers of the rank of Deputy Secretary and above, including the Solicitor for Mofussil Litigation, have been drawn from the Judiciary. In most of the branches, all appointments in the Upper Division and, in the technical branches, all posts of Assistant Secretary and above, can be held only by persons with legal qualifications. Further, since the drafting of legislation requires specialised training, it has been found necessary to provide that, once a member of the Upper Division staff is assigned to the drafting side or the opinion side of the Department, his further promotion should be in that side alone. To this extent the interchangeability of staff within the department which is a feature of secretariat organisation generally is strictly limited in the Law and Judiciary Department. Nor can the Department share in the pooling of posts above the level of superintendent which operates for the other departments of the Secretariat.

Officers under Department

Under the administrative control of the Department is the Charity Commissioner, who is *ex-officio* Treasurer of Charitable Endowments and Registrar of Societies. The Department also constitutes the Administrative Department in respect of the Judiciary and the law officers of Government.

(xii) Industries and Labour Department

Subjects assigned

The Department was created on 1st May 1960 by combining the Industries Section of the former Industries and Cooperation Department and

the Labour Section of the Labour and Social Welfare Department. The subjects allotted to the Department fall roughly into the two groups suggested by the name of the Department.

Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war and those industries which are declared by Parliament by law to be subject to control by the Union in the public interest are a Central subject. Industries not coming in these categories are in the State list of subjects and allotted to this Department. The Department also deals with the administration of the Cotton Textile Control Order, 1948, the Bombay Gas Supply Act, 1939, the Molasses Control Order, 1960, and the Bombay Building (Control on Erection, Re-erection and Conversion) Act, 1948. A miscellaneous group of subjects allotted to the Department which is more connected with industries than with labour includes electricity (excepting electrical installations in Government buildings and hydro-electric projects), purchase of stores, Government Printing Presses, stationery, official publications, weights and measures, gas and gas works, manufacture and use of power alcohol for industrial purposes, geological surveys, the administration of the Bombay Minor Mineral Extraction Rules, 1955, and the Maharashtra State Financial Corporation.

The subjects allotted to the Department relating to labour are labour welfare, including standing orders for industrial employment, provident funds covered by the Employees Provident Fund Act, Employees' State Insurance, excluding the administration of medical benefits, workmen's compensation, maternity benefits, registration of trade unions, industrial and labour disputes, strikes and lockouts and the jurisdiction and powers of Industrial and Labour Courts and Wage Boards. The Department deals with the laws concerning factories, boilers and smoke nuisance. It also controls the Employment Exchange Organisation.

Activities under Department

The jurisdiction of the Department thus covers the following :

- (1) Industries,
- (2) Labour,
- (3) Mining,
- (4) Printing and Stationery,
- (5) Electricity, and
- (6) Textiles.

(1) *Industries* : The main activities under this head include matters connected with the establishment of large and medium scale industries,

assistance to small scale and cottage industries, establishment of industrial estates, stores purchase organisation, enforcement of weights and measures, control of raw material for industries, issue of essentiality certificates and export promotion.

(2) *Labour* : Under this head comes the administration of the various Acts relating to labour matters and also to the employment problem in the State. The Labour Wing of the Department is also concerned with the Acts relating to factories, steam boilers and smoke nuisance and with the organisations of the Chief Inspector of Factories and the Chief Inspector of Steam Boilers. The activities under this Wing can be divided into four groups :

- (i) labour matters, including labour disputes,
- (ii) employment,
- (iii) factory inspectorate, and
- (iv) steam boilers and smoke nuisance inspectorate.

(3) *Mining* : The Geology and Mining Branch of the Department is mainly concerned with the exploitation and utilisation of the mineral resources of the State and grant of mineral concessions, such as mining leases and quarry licences. The Directorate of Geology and Mining surveys lands to locate minerals and carries out geological prospecting and drilling operations to assess the mineral potential in the State.

(4) *Printing and Stationery* : Government has its own printing presses and the section in the Department dealing with printing and stationery matters looks after the management and running of these presses. It is also the duty of the Department to exercise control on the use of stationery in the various departments and offices of the State Government.

(5) *Electricity* : The activity under this head mainly relates to generation, transmission and distribution of electricity in the most systematic way in the State. The generation, transmission and distribution is done through the State Electricity Board as well as through municipal and private agencies. The power to issue licences to private distributors vests in the State Government which also exercises control over such licensees. It may be mentioned that the functions of the Department relating to electricity are exercised with reference to the provisions of five statutes :

- (a) The Indian Electricity Act, 1910,
- (b) Bombay Electricity (Special Powers) Act, 1946,
- (c) Electricity (Supply) Act, 1948,
- (d) Bombay Electricity Duty Act, 1958,
- (e) Maharashtra Tax on Electricity Act, 1963.

The Indian Electricity Act, 1910, provides for the licensing of electricity undertakings, the inspection and audit of such undertakings, and the enforcement of safety regulations covering installations both of electricity undertakings and of consumers. One of the main purposes of the Act is to safeguard the interests of the consumer through Government control over rates and other charges. The Bombay Electricity (Special Powers) Act, 1946, gives Government powers to control the supply, consumption, distribution and use of electrical energy. Applications for sanction in the Bombay-Poona region are considered by Government on the advice of the Standing Advisory Committee (Electrical Power) and, outside the Bombay-Poona region, on the advice of the Advisory Committee where the Maharashtra State Electricity Board supplies power and on the advice of the Electrical Engineer to Government where the distribution is in the hands of private electrical licensees. Under the Electricity (Supply) Act, 1948, the Maharashtra State Electricity Board is charged with the general duty of promoting the coordinated development of generation, supply and distribution of electricity within the State with particular reference to the areas which are not being adequately served by any licensee. The Bombay Electricity Duty Act, 1958, provides for the levy of duty on the consumption of electrical energy in the State. The duty is collected through the supplier of energy from the ultimate consumer. Concessional rates are provided for electro-chemical and electro-metallurgical industries and exemptions are allowed to new industries in underdeveloped areas for five years from the commencement of manufacture. The Maharashtra Tax on Electricity Act, 1963, provides for a special levy distinct from that under the Bombay Electricity Duty Act, 1958, at the rate of one quarter paise on every unit of energy sold by a bulk licensee, i.e. a sale in one year of not less than five million units of energy to a distributing licensee or any other consumer. The proceeds of the tax go to constitute a State Electricity Fund which is proposed to be utilised for financing schemes for electrification in the State, particularly in rural areas.

(6) *Textiles* : The Textile Wing of the Department is connected with the management of the textile mills taken over by Government either under the Industries (Development and Regulation) Act or under the Unemployment Relief Scheme. Government also gives financial assistance to textile mills to tide over their financial difficulties with a view to avoiding the closing of the mills and consequent unemployment. The Department recommends to the Central Government applications for the issue of licenses for spindles and looms.

Structure and distribution of work

The Industries and Labour Department is manned with the following officers :

- (1) one Secretary,

- (2) three Deputy Secretaries,
- (3) one officer on Special Duty,
- (4) six Under or Assistant Secretaries,
- (5) one Textile Officer,
- (6) one Productivity Officer.

The Industries Commissioner functions as *ex-officio* Additional Secretary to Government mainly to obviate the making of references to the Secretariat by his office for sanctions of a more or less formal character. There are fourteen noting branches and a Cash Section. Four of the branches deal with industries, three with labour, one with mining, one with printing and stationery, two with electricity, one with textiles and one with housekeeping functions like establishment, registry and weeding. The Cash Section deals with disbursements and also with the accounts of rice flour mills and Government grain shops. The work of the Officer on Special Duty and of the Productivity Officer may be mentioned here. The Officer on Special Duty looks after the rehabilitation of goldsmiths affected by the Gold Control Order. The Productivity Officer renders necessary assistance in the formation of Local Productivity Councils in industrial centres where they have not yet been set up. He undertakes and supervises specific productivity programmes in industrial undertakings which are willing to take them up. His services in a consultative capacity are made available with Government sanction to small and medium scale industries at a nominal charge in relation to industrial engineering problems. He is also in charge of production for defence purposes.

Heads of Departments

The functions of the Department as regards industry, labour, mining, printing and stationery are carried out through the following Heads of Departments :

- (1) Industries Commissioner,
- (2) Commissioner of Labour,
- (3) Director of Employment,
- (4) Director of Geology and Mining,
- (5) Director of Government Printing & Stationery.

The Chief Inspector of Factories and the Chief Inspector of Steam Boilers are in charge of the Factories and Steam Boiler Departments, respectively, but for administrative purposes they are placed under the Commissioner of Labour who exercises the financial and other powers belonging to a Head of

Department. The Commissioner of Labour is also Director of Employment. As regards electricity, executive responsibility is exercised by the Electrical Engineer to Government who is under the administrative control of the Buildings and Communications Department of the Secretariat.

Statutory and other bodies

The Department is connected with the following statutory and other bodies:

A. Statutory

(1) Maharashtra Industrial Development Corporation

The Corporation has been constituted under the Maharashtra Industrial Development Act, 1961, with the following functions:

- (i) to promote and assist in the rapid and orderly establishment, growth and development of industries;
- (ii) to establish and manage industrial estates;
- (iii) to develop industrial areas selected by Government;
- (iv) to assist industries by loans to move their factories to industrial estates or areas;
- (v) to undertake schemes or works either jointly with other corporate bodies or institutions or with Government or local authorities or on an agency basis, in furtherance of the purpose for which the Corporation is established and all matters connected therewith.

(2) Maharashtra State Financial Corporation

The Corporation has been constituted under the State Financial Corporations Act, 1951, for the purpose of granting loans and advances to industrial concerns.

(3) Maharashtra State Khadi and Villages Industries Board

This is a statutory Board established under the Khadi and Village Industries Act, 1960. The functions of the Board are to encourage, organise, develop and regulate Khadi and Village Industry.

(4) Maharashtra Labour Welfare Board

This is constituted under the Bombay Labour Welfare Fund Act, 1953, which has now been extended to the whole State of Maharashtra. The function

of the Board is to administer the Labour Welfare Fund and to carry on recreational and other welfare activities for the benefit of labour.

(5) *Board of Examiners under the Maharashtra Boiler Rules, 1962*

The function of the Board is to conduct proficiency and competency examinations which are held three times a year and also to consider the reports of enquiries into allegations of drunkenness, negligence or misconduct on the part of boiler attendants.

(6) *Wage Boards for Cotton and Silk Textile Industry and Sugar Industry*

The Bombay Industrial Relations Act, 1946, as amended in 1948, provides for the constitution of Wage Boards for different industries with a view to make the industrial arbitration machinery more effective. Disputes before the Industrial Court often contain demands of a technical nature, such as fixation of a minimum wage, reduction of employees on account of rationalisation, efficiency system of work and calculation of work load, and by separating these questions from the rest of the disputes and having them decided initially by a Wage Board the work of arbitration is considerably simplified. An appeal can be filed against the decision of a Wage Board before the Industrial Court within six weeks from the date of the order. Wage Boards for three industries, viz., cotton, silk and sugar, have been constituted under the Act. Apart from the Chairman, who is common to all the three Wage Boards, there are four to six other members on each Board, representing the employers and the employees in the industry concerned. The Wage Boards are competent to decide questions regarding (i) reductions intended to be permanent or semi-permanent in character in the number of persons employed, or to be employed in any occupation or process or department or departments or in a shift, not due to *force majeure*; (ii) permanent or semi-permanent increase in the number of persons employed or to be employed in any occupation or process or department or departments; (iii) rationalisation or other efficiency system of work (whether by way of experiment or otherwise); (iv) wages including the period and mode of payment; and (v) hours of work and rest intervals.

(7) *Wage Board for Cotton Textile Industry in the Vidarbha region*

The function of the Board is to decide any industrial matter or industrial dispute regarding items numbered 1, 2, 4 and 9 in Schedule II to the Central Provinces and Berar Industrial Disputes Settlement Act, 1947.

(8) *Maharashtra Smoke Nuisances Commission*

The Commissioner of Labour is the Chairman of the Commission. The Chief Inspector of Factories is one of the four *ex-officio* members. There

are four non-official members elected by different associations. The function of the Commission is to supervise and control the working of the Smoke Nuisances Act, 1912. There is a Sub-Committee of the Commission at Sholapur, with the Collector as Chairman, for supervising and controlling the working of the Act locally.

(9) *Maharashtra State Electricity Board*

The Board is constituted under the Electricity (Supply) Act, 1948, and is charged with the general duty of promoting the coordinated development of the generation, supply and distribution of electricity within the State in the most efficient and economical manner. It is also required to:

(a) prepare and carry out schemes sanctioned under Chapter V of the Act,

(b) supply electricity to owners of controlled stations and licensees whose stations are closed down under the Act,

(c) supply electricity as soon as practicable to any other licensees or persons requiring such supply, subject to the competence of the Board to give such supply under the Act.

B. *Non-statutory*

(10) *Maharashtra Small Scale Industries Development Corporation Ltd.*

The Corporation is a joint stock company entirely financed by Government. It has been set up with a view to assisting the small scale industries in the State in their all-sided development and, in particular, to serve them in the matter of: (i) supply of raw materials such as ferrous and non-ferrous metals and chemicals, (ii) supply of machinery and equipment on hire-purchase basis, (iii) participation in the equity capital of small industrial concerns, and (iv) marketing of the quality marked products and products of standard specifications produced by small scale industries in the State.

(11) *State Advisory Council for Industries*

The Chief Minister is the Chairman of this Council and there are nineteen other members. The Secretary, Industries and Labour Department, is the Member-Secretary. The Council: (i) explores possibilities of industrial development; (ii) deals with specific problems relating to industries in their organisation and administration; (iii) examines and discusses the best manner of utilisation of the raw materials and resources of the State; and (iv) advises Government generally in matters of industrial policy and coordination. There are three Sub-Committees of the Council, one for Small-Scale Industries, one

for Large and Medium Scale Industries and one for Minerals. The functions of the Sub-Committees are to study the problems of the industries with which they are concerned and to advise the Council regarding them. The Sub-Committees may, if considered necessary, invite experts on the subjects at the time of discussion.

(12) *State Coir Development Board*

The Board advises Government on schemes for development of the coir industry. The Industries Commissioner is the Chairman of the Board and there are five other members. The Coir and Fibre Expert in the Department of Industries is Member-Secretary.

(13) *Quality Marketing Scheme Advisory Committee*

The Industries Commissioner is the Chairman of the Committee and there are five other members. The Committee reviews the general policy and rules under the scheme of quality marking of products of small scale and cottage industries. A Sub-Committee has been constituted for the implementation of the scheme in respect of leather industry. The Deputy Director of Industries is the Chairman of the Sub-Committee and there are nine other members.

(14) *State Labour Advisory Board*

The Minister for Labour is the Chairman. There are seven officials, four representatives of employers and four representatives of workers on the Board. The Commissioner of Labour is the Secretary of the Board.

(15) *State Implementation and Evaluation Committee*

The Minister for Labour is the Chairman of the Committee and there are four representatives of Government and three representatives each of employers and workers. The purpose of the Committee is to investigate complaints regarding non-implementation of labour laws, awards and agreements and breaches of the code of discipline, in so far as undertakings in the State sphere are concerned. These are undertakings in respect of which the State Government is the appropriate Government under section 2(a) of the Industrial Disputes Act, i.e. industries, excluding banking and insurance companies, mines, oilfields, railways, etc. which are carried on by or under the authority of the Central Government.

(16) *State Committee on Employment*

The Committee consists of twenty-nine members. The Secretary, Industries and Labour Department, is its Chairman. The Committee reviews

employment information, assesses employment and unemployment trends and suggests measures for expanding employment opportunities.

(17) *Standing Advisory Committee (Electric Power)*

The Committee consists of nine members. The Chairman and the Secretary, Maharashtra State Electricity Board, are its Chairman and Secretary respectively. It advises Government on matters relating to allocation of electric power for industries in the Bombay-Poona region served by the Tata-Koyna-Railways inter-connected system. There is an Advisory Committee for electric power for Kolhapur-Sangli region and the senior of the Collectors of the districts of Kolhapur and Sangli is the Chairman. The function of the Committee is to scrutinise applications for electrical power in Kolhapur-Sangli region and to make recommendations to Government from time to time for allotment of loads within the capacity and energy available in the Radhanagari interconnected grid, and on matters of policy in relation to demands for power and allotments. There is another Advisory Committee similarly constituted for electric power in the Vidarbha region with the Commissioner, Nagpur Division, as Chairman with similar functions as regards the Vidarbha grid.

(18) *Committees of Management for textile mills*

There is a Committee of Management for the management of Shree Shahu Chhatrapati Mills, Kolhapur, with the Minister for Industries as Chairman and the Deputy Secretary, Industries and Labour Department, as Secretary. There is also a Board of Management for the supervision and management of the business and affairs of the Narsinggirji Mills (Unemployment Relief Scheme), Sholapur. The Minister for Labour is the Chairman of the Board and the Deputy Secretary, Industries and Labour Department, is Member-Secretary.

(xiii) *Rural Development Department*

Formation of Department

With the inauguration of Maharashtra State on 1st May 1960 a new Department called the Cooperation and Rural Development Department came into being wherein the Cooperation Wing of the former Industries and Cooperation Department, the Community Development Wing of the former Political and Services Department and the Local Boards and Village Panchayats branches of the former Local Self Government and Public Health Department were brought together. When Government decided to have democratic decentralisation, that subject was also allocated to this Department. On 1st September 1964, the Cooperation Wing of the Department was

transferred to the Agriculture and Food Department which was redesignated as Agriculture, Food and Cooperation Department. The residual Department was named the Rural Development Department.

Subjects dealt with

The Department is concerned with local government in rural areas, including taxation levied for local purposes in rural areas, village water supply and sanitation, local development, multipurpose projects, rural housing schemes, *sarvodaya* and rural development generally. The main Acts administered by the Department are the following :

(1) The Bombay Village Panchayats Act, 1958,

(2) The Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961. By the latter Act, which was brought into operation on 1st May 1962, district local boards in Western Maharashtra and *Janapada Sabhas* in Vidarbha were replaced by *Zilla Parishads* at the district level and *Panchayat Samitis* at the development block level with widely extended functions and with an extensive devolution of responsibility for the execution of works and development schemes in the sphere of rural development included in the State Five Year Plans.

Structure of Department

The Department is headed by a Secretary, who is assisted by three Deputy Secretaries, an Officer on Special Duty, eleven Under or Assistant Secretaries, an Accounts Officer and a Mamlatdar. The primary units of work consist of twenty-two noting branches generally constituted like branches in other departments of the Secretariat. In addition, there are Cash and Registry Sections. It may be added that one of the noting branches, though located in the Rural Development Department, actually functions as a cell of the General Administration Department dealing with service matters of *Zilla Parishads*, including transfer and absorption of staff, transfer of property and assets and equipment.

Heads of Department

The Department is unique in that there is no Head of Department outside the Secretariat principally under its administrative control.

Advisory bodies

The following advisory bodies are connected with the work of the Department :

(1) *State Level Consultative Committee on Panchayati Raj*

In view of the introduction of *Panchayati Raj* in the State of Maharashtra, the Committee has been constituted in place of the former State Development Committee and the Informal Consultative Committee. The Committee consists of the Chief Minister as Chairman with other ministers, including the Deputy Minister, Rural Development, and non-officials as members and officials as associate members. The Committee advises Government on all matters pertaining to *Panchayati Raj* and the Community Development Programme.

(2) *State Council for Panchayats*

The Council consists of the Minister for Rural Development as Chairman and official and non-official members. Its main function is to advise Government on all general questions pertaining to Village Panchayats.

PART III

FIELD ORGANISATION

CHAPTER FIVE

DEPARTMENTS AND OFFICES UNDER GENERAL ADMINISTRATION DEPARTMENT

(i) Directorate of Publicity and Directorate of Tourism

Functions

The Directorates of Publicity and Tourism are under the Director of Publicity who is designated Director of Tourism in relation to his second responsibility. The main purpose of the Directorate of Publicity is to keep the people informed of the activities of the Government and to bring to the notice of the Government published comment and criticism affecting the Government or published reports of occurrences and of grievances which require the attention of the Government. The main purpose of the Directorate of Tourism is to encourage people to visit places of interest in the State and outside and to provide facilities to persons of moderate means to take holidays at hill stations and holiday resorts.

Activities of Directorate of Publicity

For the purpose of keeping the Government informed of published comments and criticism and of reports of events of interest or of grievances the Directorate of Publicity sends extracts or cuttings of important reports or comments to the officers concerned. For the purpose of keeping the public informed of the activities of the Government, the Directorate issues press notes and news items on various activities of the Government. Clarifications and corrections are issued to counteract wrong or misleading reports or comment in the Press, when necessary. Publicity is also arranged through press conferences and tours of journalists. The Directorate renders assistance to journalists seeking background information for feature articles and also itself prepares and supplies to newspapers feature articles on special occasions. Information centres are operated at each district headquarters, with two main centres at Bombay and Nagpur, and these centres have special responsibility for making known the aims and objectives of the Five-Year-Plans and the achievements of the Government under these plans. A special information centre has also been opened at Delhi. The Director of Publicity is responsible for the issue of several periodicals and of special publications on particular topics whenever necessary. The Directorate undertakes the installation and maintenance of community radio sets in villages through an independent Rural Broadcasting Organisation, and assists All-India Radio in arranging talks on governmental activities and in drawing up suitable programmes for rural audiences. The Directorate has undertaken the formation of Radio Forums

in rural areas, under the guidance of Regional Organisers at Bombay, Poona and Nagpur. The forums bring to the notice of All-India Radio their views on broadcasts and the problems they would like discussed on the radio. The medium of the film is used for publicity purposes through the production of documentaries, news reels and feature films relating to the various welfare projects undertaken by the Government and by the exhibition of suitable films in villages. The Directorate also aids in the organisation of publicity for the activities of the Government through the medium of song and drama, and it participates in, or organises, exhibitions at various centres. The Directorate maintains workshops at Bombay and Nagpur for repairs and servicing of projectors, generators, etc. It is entrusted with the management of the Sachivalaya Central Library, under the guidance of a committee of management. On 31st December 1963, the library contained more than 30,000 books and other publications. The Directorate maintains a Liaison Office in the Sachivalaya, which serves as a central enquiry office.

Structure of Directorate of Publicity

The Directorate has its main office in Bombay, four regional offices at Bombay, Poona, Nagpur and Aurangabad and district offices at each district headquarters outside Greater Bombay. As already mentioned, the Directorate runs three information centres in addition, one at Bombay, one at Nagpur and one at New Delhi. In connection with rural broadcasting, there is a separate organisation with a head office and central workshop at headquarters, divisional offices-cum-workshops at Bombay, Poona, Nagpur and Aurangabad and maintenance units in each district. In addition, there are Regional Organisers at Bombay, Poona and Nagpur for organising Radio Rural Forums as already mentioned. At headquarters, under the Director of Publicity, there are four Class I officers, viz. Deputy Director of Publicity (News), Deputy Director of Publicity (Publications), Deputy Director of Publicity (Public Relations) and Deputy Director of Publicity (Films), twenty-three Class II officers, one hundred and thirty-nine Class III ministerial and other officers, including film technicians, sub-editors and language assistants, and eighty-four Class IV servants. At the divisional or regional level, including the Information Centre at Nagpur, there are four Regional Publicity Officers and ministerial and other staff amounting to about fifty-nine. At the district level, there are twenty-seven District Publicity Officers in Class III service (including one in charge of an Information Centre at Haveli in Poona District), one Assistant District Publicity Officer and other personnel amounting to about eighty. The Information Centre at Delhi is under a Class I Officer designated Chief Information Officer. He is assisted by an Assistant Chief Information Officer in Class II service, and other staff numbering about twelve. The separate organisation concerned with rural broadcasting is under an Engineer-in-Charge in Class I service, who has under him at headquarters two Divisional Engineers, one in charge of installation, planning and co-ordination and one

in charge of the central workshop and studios, and an Establishment Officer in charge of establishment, accounts and stores. Under the Engineer-in-charge, there are Divisional Engineers at Bombay, Poona, Nagpur and Aurangabad with technical and non-technical staff under them. At the district level there is a small organisation in each district under District Officers which is responsible for the maintenance of community sets, routine repairs and charging of batteries. Altogether, the rural broadcasting section consists of one Class I officer, fourteen Class II officers, two hundred and fifty Class III technical and ministerial officers and about a hundred and six Class IV servants.

Activities and Structure of Directorate of Tourism

The Directorate of Tourism arranges reservations in the holiday camps maintained by the Government at ten hill stations, health resorts or other places of interest and organises regular trips to places of interest in the State and outside. The Directorate functions under the guidance of a Board of Tourism presided over by the Minister in charge. Besides the Director of Tourism (who is also Director of Publicity) there is a Joint Director of Tourism and a small ministerial establishment. The running and maintenance of the Government holiday camps are the responsibility of the officers of the Buildings and Communications Department in the districts in which the camps are situated.

Chart

A chart showing the organisation of the Directorate is appended.

(ii) Department of Archives and Historical Monuments

Dual control

The Department of Archives and Historical Monuments is under the administrative control of the General Administration Department of the Secretariat so far as archives are concerned and of the Education and Social Welfare Department of the Secretariat, so far as historical monuments are concerned. It is headed by a Director of Archives and Historical Monuments. Prior to 1955 the Director was designated as Director of Archives and work relating to historical monuments was treated as part of his responsibilities as such.

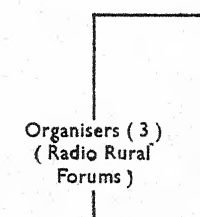
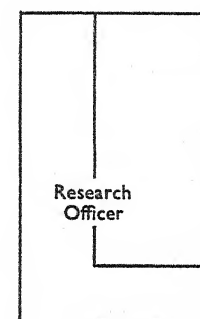
Scope and structure of Archives Section

The Archives section of the Department controls the archives of the Secretariat, advises the Alienation Office at Poona in the matter of the preservation of old records deposited in that office, including records of pre-British rulers, and also in regard to the programme of publication of records

of historical value. The archives of the Secretariat are housed in the Secretariat Record Office and contain over 14,31,000 records, annual additions being at the rate of 15,000 non-current files and 4,100 printed publications. The Department controls a Record Office at Kolhapur which houses 5,000 *rumals* (bundles) of non-current historical records pertaining to the former Kolhapur State and its feudatory Jagirs. The Department also advises regarding technical problems respecting preservation of records and publication of records of historical value, wherever they may be located. The head office of the Department is, so far as archives are concerned, divided into an Administrative Branch and a Research Branch. The Administrative Branch is responsible for the arrangement and preservation of historical records and the non-current records of the Secretariat departments which are not required to be retained in the departments themselves, supply of records to the departments on requisition, giving aid in difficult searches into old records, issue of certified copies, the restoration of records and preservation of, and repair to, old records, binding of records, giving permission to scholars to study records, and day-to-day administration of the Department, including supervision over the subordinate office at Kolhapur. The Research Branch is responsible for assisting the Director in matters of publication and research, including the publication programme of the Alienation Office and the Kolhapur office, dealing with references from the Indian Historical Records Commission, the National Committee of Archivists and the Indian History Congress and attending to work relating to the State Board for Historical Records and Ancient Monuments and the Museums Committee, preparing hand-lists, annual reports and the Archives Bulletin, maintaining the Archival Library, surveying the non-current records of the Collectorates, giving advice to the Government regarding weeding of records and their classification and preservation, and guiding research students in their use of historical records. Under the Director is an Assistant Director who was formerly designated as Historical Archivist to Government. The establishment consists of an administrative branch with a staff of thirteen and a research branch with a staff of seven. There is also a regional office at Kolhapur with a staff of ten.

Historical Monuments Section

In 1955, on the advice of the Government of India, the State Government instituted special machinery to fulfil its responsibility in respect of ancient and historical monuments and sites which were not under the jurisdiction of the Union Government as monuments and sites of national importance. In 1961 legislation was enacted in the form of the Maharashtra Ancient Monuments and Archaeological Sites and Remains Act, 1960, to give adequate powers to this special machinery to carry out its responsibilities. The Director of Archives was put in charge of the work with the designation of Director of Archives and Historical Monuments. It is the responsibility of the Department to survey ancient and historical monuments in the State, to compile



a list of such of them as are not under the protection of the Union Government and to advise regarding their classification with a view to the protection and preservation of those deserving such attention from the State Government, to explore likely sites for excavation, to publish reports and monographs, to undertake excavations and the conservation of monuments and the protection of sites, to maintain museums, to examine coins and submit proposals for their disposal, to decipher inscriptions and copper plates, to take photographs of antiquities, monuments, etc. and to maintain a library. The Department has its main office at Bombay and a branch office at Aurangabad. It also has in its care the Archaeological Museum at Kolhapur, the Shri Bhavani Museum and Library at Aundh, the Central Museum at Nagpur and the Raja Kelkar Museum at Poona. At head-quarters the Director has the assistance of a staff of twenty-one, including a superintendent, research assistant, senior conservation assistant, conservation assistant, senior cameraman, photographer-cum-draughtsman, publication officer, exploration assistant and technical assistant. The post of Technical Deputy Director of Archaeology has also been sanctioned and the filling of the post is under consideration. At Aurangabad the local office is under an officer of gazetted rank designated as Assistant Director of Archaeology. He is assisted by a staff of about sixty-three persons, including a junior research assistant, an exploration assistant, a conservation assistant, a surveyor, a clerk and a caretaker. The Archaeological Museum at Kolhapur is under the Superintendent of Records in the Archives Section, who is given a special pay for this extra duty and who has a small staff, including a gallery assistant, under him. At Aundh there is a Museum Assistant-cum-Librarian with a small staff, including a gallery assistant. At Nagpur there are two officers of gazetted rank, viz., a Curator and an Archaeological Assistant, a taxidermist, an artist, a photographer, a guide lecturer and other subordinate staff. At Poona the Museum is under a non-official Director who is paid an honorarium. He has the assistance of a small staff, including two clerks.

Role of Collectors

Certain functions in respect of the acquisition, guardianship, custody and preservation of protected monuments, and in respect of control over owners or occupiers of protected monuments which are not in the custody of the Government, are entrusted to the Collectors in the absence of field staff belonging to the Department.

(iii) Administrative Staff College

Functions

The Administrative Staff College of Maharashtra State, Bombay, was started in November 1963. The activities of the College include: (a) provision

of facilities for institutional training in general administrative matters for new recruits and for those appointed by promotion, (b) the arrangement of orientation and refresher courses, including arrangements for the discussion of subjects of administrative interest adapted to the needs of the various categories of officers, and (c) the compilation and publication of material for the study of public administration. Only some of the training is given under the direct auspices of the College; the rest of it consists of training within the employing departments in departmental subjects, including field training, but the Director of the College is also entrusted, in the capacity of Director of Training in the General Administration Department of the Secretariat, with the responsibility for advising the State Government regarding the adequacy of existing arrangements for training in departmental subjects and for field training. He is further responsible as Director of Training for reviewing and, where necessary, coordinating existing arrangements in these respects for all important categories of Government servants and for initiating action to ensure that adequate institutional facilities are provided for these purposes.

Organisation

The College is under a full-time Director who, as mentioned above, is also Director of Training. The administration of the College is, however, under the guidance of a Governing Council, with the Minister for Finance as Chairman, and the Chief Secretary to Government, a representative of the University of Bombay, a person connected with the training of personnel in private industry and the Director of the College as members. Under the Director are a Joint Director, a Director of Studies and Research, a Reader and Research Officer and an Administrative Officer. There is also a small ministerial staff. For its teaching activities the College, in addition to using the services of the Director of Studies and Research and of the Reader and Research Officer for lectures on economics, public administration, etc., draws largely on the part-time services of experienced administrators and specialists in different fields available in Government departments, universities, industry and commerce.

(iv) Directorate of Languages

Functions

The Directorate of Languages was established in 1960 with the responsibility of undertaking measures to facilitate the introduction of Marathi as the official language of the State. The Directorate has undertaken the preparation of an English-Marathi dictionary of administrative and technical terms and of a guide to noting and drafting in Marathi, the training of typists and stenographers in government offices in Marathi typing and Marathi shorthand, arranging training in Marathi for Government servants insufficiently

acquainted with it, the translation of departmental manuals, codes, etc. and the evolution of a standard keyboard in Devnagri for Marathi typewriters as well as lino, mono and teleprinter machines. The Directorate has no regional offices or field staff.

Structure

The Director of Languages functions in a dual capacity as an officer of the General Administration Department of the Secretariat and as the head of an executive department outside the Secretariat. The Directorate has an administrative section, a translation wing and a training wing. The administrative section is directly under the Director, and consists of five superintendents, three accountants and other lower staff. The translation wing is under a Deputy Director of Languages who has the assistance of a Translation Officer and a Terminology Officer of gazetted rank, and several senior and junior translators. The training wing is under another Deputy Director of Languages who has the assistance of a Training Officer (Typing and Stenography), a Training Officer (Language) and a Research Officer, all of gazetted rank.

Advisory Committee

A Committee has been set up to finalise a standard Devnagri keyboard for Marathi typewriters, to evolve a system for Marathi shorthand and to devise a standard Devnagri keyboard for Lino, Mono and Teleprinter machines with the Director of Languages as Chairman, a Deputy Director as Member-Secretary, and the Deputy Director, Government Printing and Stationery, the Principal, Government Institute of Printing Technology and two non-officials as members. The Committee has completed the first of its tasks and typewriters with the standard key-board, which has been approved by the Government of India, are likely to be available soon.

(v) Department of Aviation

Functions

The Department of Aviation was established in 1954 for the purpose of taking over from private agencies and the Indian Airlines Corporation the maintenance of the aircraft owned by the State Government. These aircraft are used to provide expeditious transport for the Governor, ministers, deputy ministers and senior officers particularly to places not served by scheduled air services. The aircraft include a helicopter which is used for agricultural purposes and for reconnaissance in times of emergency, in addition to its use as a means of transport. If need arises, the Department avails itself of aircraft belonging to the Home Guards Air Wing.

Structure

The Department is under an Aviation Adviser who serves in an

honorary capacity and who also holds charge of the appointments of Commandant General of the Home Guards, Director of Civil Defence and Fire Adviser to Government. Under the Aviation Adviser are a Chief Pilot and Senior Commander, responsible for operations, a Chief Ground Engineer, responsible for engineering, assisted by a Deputy Chief Ground Engineer, a maintenance supervisor, several mechanics and cleaners, and an Electrical and Communication Superintendent, responsible for radio communication, assisted by a radio mechanic. Administration is attended to by a small ministerial establishment.

(vi) Defence Projects Organisation

Civil Works Organisation

For civil works relating to the four defence projects of the Government of India which have been entrusted for execution to the State Government, a self contained field organisation has been set up headed by two Chief Engineers, one stationed at Bombay and one at Nagpur. The set up under these Chief Engineers is similar to that in the Buildings and Communications Department, viz. Superintending Engineers of Circles, each consisting of a single defence project, Executive Engineers, responsible for particular aspects of each project, including design, and Deputy Engineers in charge of Sub-Divisions. At headquarters, the Chief Engineer, Defence Projects, Bombay, is assisted by an Executive Engineer who functions as Personal Assistant and three Deputy Engineers, and the Chief Engineer, Defence Projects, Nagpur, by an Executive Engineer who functions as Personal Assistant and two Deputy Engineers. The other staff at headquarters includes Overseers, Draftsmen, Tracers, Statisticians and ministerial personnel. There are four Superintending Engineers stationed at Nasik, Jalgaon (for Bhusaval), Nagpur and Chanda. Each Superintending Engineer has the assistance of a Deputy Engineer at headquarters. There are four Executive Engineers under the Superintending Engineer, Defence Projects Circle, Nasik, five Executive Engineers under the Superintending Engineer, Defence Projects Circle, Bhusaval, five Executive Engineers, including one for a Design Division, under the Superintending Engineer, Defence Projects Division, Nagpur, and three Executive Engineers under the Superintending Engineer, Defence Projects Division, Chanda. The other staff at Circle, Divisional and Sub-Divisional level includes seventy-three Overseers and a large number of Draftsmen, Tracers, Divisional Accountants, Store Keepers and clerical personnel.

Staff for electrical works

For the execution of electrical works pertaining to defence projects, an independent organisation has been recently set up under a Superintending Engineer designated as Superintending Engineer (Electrical), Defence Projects, Bombay. At headquarters he has the assistance of a Deputy Engineer and

nine Electrical Supervisors, Tracers, store-keepers and clerks. There are four Divisions, each under an Executive Engineer, one for each project, and a number of Sub-Divisions, each under a Deputy Engineer. At the Divisional and Sub-Divisional level there are eleven Deputy Engineers.

Land acquisition staff

For purposes of land acquisition for the projects there are four Land Acquisition Officers, one for each project at Nasik, Bhusaval, Nagpur and Chanda. The Land Acquisition Officers are under the control of the respective Collectors. The establishment under them includes Revenue or Circle Inspectors, Cadastral Surveyors, Awal Karkuns or First Grade Clerks and other ministerial staff, and numbers about seventy.

Staff for other work

Architectural work relating to the defence projects is entrusted to special staff employed under the Architect to Government.

(vii) Maharashtra District Gazetteers (Revision) Editorial Board

For the purpose of publishing revised editions of the existing gazetteers for the separate districts of Maharashtra State, compiling and publishing new gazetteers for districts not previously covered, and compiling and publishing general volumes covering the area of the State as a whole, descriptive of the people and their culture, languages, literature, and history and also descriptive of the physical features and botany of the area of the State, the State Government has established an Editorial Board consisting of the Chief Secretary to Government as Chairman, five members who are scholars in various fields and a whole-time Executive Editor who is also Secretary to the Board. The Executive Editor, who belongs to the Indian Administrative Service, has the assistance of an Assistant Editor in Class II service, and a subordinate establishment of about twenty-three persons.

(viii) State Board for Literature and Culture

For the purpose of encouraging research in Marathi literature, culture and other fields, the State Government has established a State Board for Literature and Culture, consisting of a non-official Chairman, ten other members, including the Secretary to Government, Education and Social Welfare Department, the Director of Education, Maharashtra State, the Director of Archives and Historical Monuments, and the Executive Editor and Secretary, Board for District Gazetteers (Revision) as Member-Secretary. The functions of the Board are to initiate, assist or undertake implementation of (a) research schemes in the field of language, culture and history of the State of Maharashtra; (b) publication in Marathi of the results of research;

(c) publication in Marathi of independent learned works; (d) publication in Marathi of works of reference; (e) preparation and publication in Marathi of translations from other languages, with due regard to the programme of the *Sahitya Akademi*; and (f) editing, translation and publication in Marathi of documents of historical value. It is also the function of the Board to keep Government informed of developments in its field of work and to assist Government in the formulation of its policies in the matter of historical research and the development of literature. The Chairman is paid a monthly honorarium, and the members fees for meetings attended. The Board is assisted by a panel of advisers in various fields. The main activities undertaken by the Board are: (i) the compilation of an encyclopaedia in Marathi (*Vishwakosha*) in nineteen volumes of a thousand pages each; (ii) preparation of a history of Maharashtra in Marathi in five volumes of five hundred pages each; (iii) preparing bilingual dictionaries to facilitate the study of other Indian and foreign languages; (iv) publication in Marathi of standard works on Art and also on scientific and technical subjects; (v) translation of books in other languages into Marathi; and (vi) grant of aid for the publication of outstanding books on various subjects. For the preparation of the encyclopaedia a unit has been established at Wai under the supervision of the Chairman of the Board who is General Editor. The unit includes four Section Editors, three Associate Editors, six Scholar Assistants, a Research Assistant, four Editorial Assistants, a Librarian, a Library Assistant, and some subordinate staff. The other activities of the Board are concentrated at headquarters in Bombay under the Secretary of the Board. He has the assistance of an Assistant Secretary, an office superintendent and other subordinate staff.

(ix) **Office of Maharashtra State Committee for a History of The Freedom Movement In India**

A Committee had been established some years ago for the purpose of collecting source material for the preparation of a history of the freedom movement in India in its relation to Maharashtra State, editing the compiled material, arranging for printing and publication of the final history written on the basis of the material collected and the preservation and maintenance of the collected material. Though the Committee as such is not functioning the work of publication of source material from Government records for a history of the freedom moment and of a Who's Who of persons who had participated in the struggle for independence is in progress under the charge of the Executive Secretary who works in an honorary capacity. Under him are a Research Officer, a Research Collaborator, five Research Investigators, one Research Assistant and other subordinate staff.

CHAPTER SIX

DEPARTMENTS AND OFFICES UNDER HOME DEPARTMENT

(i) Police Department

Functions

The functions of the Police Department will be apparent from the statement of the general duties of a police officer given in sections 64 and 66 of the Bombay Police Act, 1951, which provides as follows:

"64. It shall be the duty of every Police officer—

(a) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior;

(b) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable and within his view of non-cognizable offences;

(c) to prevent to the best of his ability the commission of public nuisances;

(d) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(e) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(f) to discharge such duties as are imposed upon him by any law for the time being in force."

"66. It shall be the duty of every Police officer—

(a) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(b) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick and, whilst guarding or conducting any such person, to have due regard to his condition;

(c) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(d) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(e) in dealing with women and children to act with strict regard to decency and with reasonable gentleness;

(f) to use his best endeavours to prevent any loss or damage by fire;

(g) to use his best endeavours to avert any accident or danger to the public."

For the purpose of carrying out these duties of prevention, detection and investigation of crime and preservation of law and order, members of the police force have perforce to be armed with adequate powers of arrest, entry and search and of application of force in case of need, even at the risk of causing death. At the same time, severe penalties attach to the wrongful use of the coercive power which is exercisable by members of the police force and the primacy of the rule of law is jealously safeguarded. Ordinarily, it is the duty of the police to operate over the whole field of law enforcement, Union as well as State, and there is no separate federal police force such as exists in some other countries with a federal form of Government, though it has been found expedient in several departments, such as Customs, Excise, Drugs Control, etc., to arm the executive officers of the departments concerned with several police powers, including powers of search, investigation and even arrest. Even when the officers of a particular department have been armed with police powers, it remains the duty of the police force to act whenever necessary in support of the law. As police action involves direct interference with personal liberty, the members of the force are subject to close control by the magistracy. In Greater Bombay, some of the powers exercised elsewhere by the District Magistrates or sub-divisional Magistrates are exercised by the Commissioner of Police; others are exercised by the Chief Presidency Magistrate or a Presidency Magistrate. Again, some powers of control, particularly in respect of investigation of crime and the detention of suspects in police custody, are exercised outside Greater Bombay by Judicial Magistrates, and in Greater Bombay by Presidency Magistrates.

Ordinary police and reserve police force

There are two main divisions of the police force. There is first the ordinary police governed by the Bombay Police Act, 1951. Secondly, there is the reserve police force governed by the Bombay State Reserve Police Force Act, 1951, which is maintained on para military lines and which is ordinarily held in reserve for use in an emergency, in order to limit the use of the military

in aid of the civil power to the greatest possible extent. It would be convenient to describe this reserve police force first, since, as its name shows, its deployment is not a normal incident of the administration.

Functions and organisation of reserve police force

The reserve police force is under the control of the Inspector General of Police, subject to the supervision of the State Government. Though the force is deemed to be always on duty it is, as stated above, maintained as a stand-by and is called out on active duty either by the State Government or by the Inspector General of Police wherever and for such periods as its services may be required. The active duty may consist of (a) the prevention or investigation of offences involving a breach of peace or danger to life or property and the search for and apprehension of persons concerned in such offences or who are so desperate and dangerous as to render their being at large hazardous to the community; (b) the taking of adequate measures to extinguish fires or to prevent damage to person or property on the occurrence of fires, floods, earth-quakes, enemy action or riots and the restoration of peace and the preservation of order on such occasions; (c) such other duties as may be specified as active duty by the competent authority. While on active duty members of the reserve police force are to be deemed to be police officers under the Bombay Police Act, 1951, and they are specifically authorised to use all necessary force in the due execution of their responsibilities. When the reserve police force is called out on active duty the officer in charge becomes responsible for the efficient performance of the duty and the ordinary police in the area who, but for the presence of the reserve police force, would have been responsible for that duty, are bound to assist and cooperate with the reserve police force officer in charge. The reserve police force is divided into four groups of which two are stationed at Poona and one each at Jalna and Nagpur. Each group is under a Commandant appointed by the State Government, who may be an officer of the ordinary police force of the rank of Superintendent of Police or a military officer. Under the Commandant is an Assistant Commandant who may be an Assistant or Deputy Superintendent of Police or a military officer and an Adjutant. Each group has two operative battalions and a headquarters wing. The operative battalions are divided into eight active companies in all, and the headquarters wing has an administrative company and a technical reserve company. There are two Battalion Commanders and one Headquarters Wing Commander in each group and a Company Commander for each company. The remaining personnel consists of Jamadars, Havaldars Major, Havaldars, Naiks, Head Constables, Writer Head Constables, Stretcher Bearers, Buglers and Police Constables. The force has its own ancillary motor transport, medical personnel, and followers, including cooks, barbers, mochis and dhobies. On an average each group contains 1,000 executive personnel, 40 motor transport personnel, 12 medical personnel and 90 followers. The wireless staff serving all the four groups consists of 166 persons.

Organisation of ordinary police

The ordinary police force is organised partly on a territorial basis for Greater Bombay and each administrative district and partly on a Statewise basis for special services, like the Criminal Investigation Department, the Police Wireless Organisation and the Motor Transport Organisation. The policing of the railways is also centralised in two divisions, one having its headquarters at Poona and one at Nagpur. Though the whole force is under the Inspector General of Police, police arrangements in Greater Bombay are in many respects organised differently from those in other parts of the State and the head of the police force in Greater Bombay, the Commissioner of Police, is, in several respects, autonomous *vis-a-vis* the Inspector General of Police. The State Government has power under the Bombay Police Act, 1951, to introduce arrangements similar to those in Greater Bombay for any other city, but has not yet done so. Outside Greater Bombay, the Divisional Revenue Commissioners have power to make rules, regulations or orders in respect of certain matters for the Divisions in their charge (District Magistrates having parallel powers restricted to their districts), and to issue orders for maintenance of order at an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place. The District Magistrates, subject to such rules and orders as the State Government may make in this behalf and subject to the lawful orders of the Revenue Commissioners, have control over the Superintendents of Police and the police forces of their districts. They, as well as the Revenue Commissioners, have to be kept informed of all transfers of police officers made by the Inspector General of Police or lower authorities, and the reasons therefor, unless these are secret. They may call for reports as to the state of crime and in any matter connected with the prevention of disorder, the regulation of assemblies and amusements, the distribution of the police force, the conduct and character of any police officer subordinate to the Superintendent, the utilization of auxiliary means and all matters in furtherance of their control of the police force and the maintenance of order. They can issue directions for the replacement of unsuitable officers, in so far as it is within the competence of their Superintendents to effect transfers, and to report to the Inspector General of Police unsuitable officers of higher ranks. They can requisition additional police from the Inspector General of Police. They have power to make rules, orders and regulations (some of which require the prior sanction of the State Government) under the Bombay Police Act, 1951, relating to traffic, use of streets and public places, preservation of order in public places, licensing of places of amusement and entertainment, and numerous other matters pertaining to the maintenance of order and the prevention of nuisances. In Greater Bombay, corresponding rules and orders are made by the Commissioner of Police. District Magistrates also have control over Superintendents of Police in respect of the exercise by the latter of powers under the Bombay Police Act, 1951, in regard to the control of assemblies and processions, the issue of

prohibitory orders regarding the carrying of arms, weapons, sticks, knives, or missiles, etc. and the prevention of riots. The arrangement is intended to ensure that the responsibility of District Magistrates for the peace and good order of their charges is not impaired by independent action by the police force. At the same time, matters of recruitment, internal economy, discipline and organisation are exclusively the responsibility of the Police, and in these matters the controlling authorities are the Deputy Inspector General of Police and the Inspector General of Police.

The Inspector General of Police and headquarters organisation

At the head of the ordinary police force in the State is the Inspector General of Police with headquarters at Bombay. He is responsible for the internal economy, general training and discipline of the police force and for its efficient organisation. Except in respect of Greater Bombay, he is authorised to frame rules for the administration of the Police, including such matters as inspection of the force by his subordinates, arms, accoutrements and clothing, distribution, movements and location of the Police, assignment of duties and regulating the collection and communication of intelligence. In Greater Bombay these powers are vested in the Commissioner of Police. The administrative control of the Inspector General of Police is exercised direct or through Deputy Inspectors General of Police. In respect of Greater Bombay it is restricted to requiring the Commissioner of Police to obtain his previous approval in certain specified matters, such as changes of standards of recruitment or in strength of the police force or its armaments, uniform, and other equipment, creation or reorganisation of Police Stations and crime on the border between Greater Bombay and adjacent districts. At headquarters, the Inspector General of Police is assisted by two Assistant Inspectors General of Police of the rank of Superintendent of Police and by a Superintendent of Police for State Traffic. Below the Assistant Inspectors General of Police are three ministerial officers designated as Deputy Assistant Inspectors General of Police, one for administration, one for accounts and one for organisation and methods. There are also three Office Superintendents (one of them with a small detached special branch for highly secret work) and one Head Clerk for the Accounts Branch. There are eleven other branches, a registry and a typing section. Control over the State Police Training College at Nasik, the Regional Police Training Schools at Khandala, Nagpur and Jalna, the Motor Transport Organisation, the Wireless Organisation, the Special Reserve Police Force and the Arms Inspection Branch (which is under an Inspector of Police) is exercised direct from headquarters by two Deputy Inspectors General of Police posted there. They are assisted by a small establishment.

The Commissioner of Police and Deputy Inspectors General of Police

Below the Inspector General of Police is the Commissioner of Police for Greater Bombay, four regional Deputy Inspectors General of Police, one

Deputy Inspector General of Police stationed at Bombay with Statewide jurisdiction for the Criminal Investigation Department and, as already mentioned, two Deputy Inspectors General of Police stationed in the office of the Inspector General of Police for control over certain ancillary organisations. The regional Deputy Inspectors General of Police have their headquarters at Bombay, Nagpur, Poona and Aurangabad, each being in charge of a Range. The territorial constitution of the four Ranges is as follows:—

Bombay Range

Dhulia District
Jalgaon District
Kolaba District
Nasik District
Ratnagiri District
Thana District

Nagpur Range

Akola District
Amravati District
Bhandara District
Buldhana District
Chanda District
Nagpur Urban District
Nagpur Rural District
Wardha District
Yeatmal District

Poona Range

Ahmednagar District
Kolhapur District
Poona Urban District
Poona Rural District
Sangli District
Satara District
Sholapur District

Aurangabad Range

Aurangabad District
Bhir District
Nanded District
Osmanabad District
Parbhani District

The Deputy Inspector General of Police, Nagpur Range, and the Deputy Inspector General of Police, Poona Range, have under them, in addition to the districts mentioned above, the Superintendent of Police for the Central, South-Eastern and Western Railways at Nagpur and for the Central, Southern and Western Railways at Poona respectively.

Special set up in Greater Bombay : Divisions and Sections

As already mentioned, the Commissioner of Police has a special position in the organisation of the Police Force of the State. This stems from the special arrangements which existed in the past for the judicial, revenue, police and municipal government of the Presidency Towns of Bombay, Calcutta and Madras. At one time there was a separate statute governing the constitution of the Police Force for the City of Bombay. Though there is now only a single statute, it contains special provisions for Greater Bombay, as pointed out above. As will be apparent, these special provisions are partly necessitated by the fact that there is no District Magistrate for Greater Bombay, and the functions of the District Magistrate have to be assigned either to the

Commissioner of Police or to the Chief Presidency Magistrate. Secondly, the Commissioner of Police, being an officer who combines in himself the functions both of the District Magistrate and the Superintendent of Police, cannot appropriately come under such close supervision of the Inspector General of Police as the Superintendent of Police does in the more limited range of his responsibility in matters of organisation. Subject, therefore, to obtaining the approval of the Inspector General of Police in the matters mentioned earlier, the Commissioner of Police is more or less an independent authority, though he is, of course, subject to the general control of the State Government. For the purpose of police administration the area of Greater Bombay is divided into ten Divisions and each of these Divisions is sub-divided into Sections or Police Stations. Apart from these territorial divisions, there are special Departments for specialised activities covering the whole area of Greater Bombay. Under the Commissioner of Police are a number of Deputy Commissioners of Police who are of the rank of Superintendent of Police. Of these, four Deputy Commissioners are in charge of a number of Divisions each. Each Division is under an Assistant Commissioner of Police who is of the rank of Deputy Superintendent of Police. In each Division there are a number of Sections covered by Police Stations or Sub-Police Stations, some Police Stations having outposts in their jurisdiction, like rural Police Stations in the districts. Generally, Police Stations are under the charge of an Inspector of Police, but in a very few cases they are under the charge of a Selection Grade Sub-Inspector of Police. Sub-Police Stations are under the charge of Selection Grade Sub-Inspectors of Police or of Sub-Inspectors of Police. The staff of a Police Station includes a number of Selection Grade Sub-Inspectors of Police and/or Sub-Inspectors of Police, one or two Police Jamadars, and a considerable number of Head Constables and Police Constables and, in a few cases, some clerks. The strength of the Police Stations varies according to the needs of each. Sub-Police Stations have some Selection Grade Sub-Inspectors of Police and/or Sub-Inspectors of Police, an occasional Police Jamadar, and a number of Head Constables and Police Constables which varies according to the needs of each Sub-Police Stations. The primary responsibility for the maintenance of law and order, the prevention and detection of crime and control over nuisances is that of the sectional Police Station staff. In addition to the sectional Police Stations, there are two special organisations in connection with the Port of Bombay, viz. the Harbour Police, consisting of a number of Police Jamadars, Head Constables and Police Constables, and the Port Health Police, consisting of one Inspector of Police, one Sub-Inspector of Police, one Head Constable and a few Police Constables. Ordinarily, officers of the rank of Sub-Inspector of Police attached to a Police Station are not engaged on patrol duty, but recently, in the case of some Police Stations in the Suburbs, special staff which includes Sub-Inspectors of Police have been detailed for beat duty. Moreover, as an experimental measure, the strength of officers of the rank of Sub-Inspector of Police has been increased in two Police Stations, with a reduction in the strength of Head

Constables and Police Constables of equivalent cost, so that eleven to twelve Sub-Inspectors of Police can patrol beats allotted to them (nine in each Section) and attend on the spot to difficulties and complaints, thus creating a greater sense of public confidence and allowing prompt disposal of petty matters.

Headquarters Organisation in Greater Bombay

The Commissioner of Police is assisted at headquarters by a Deputy Commissioner of Police, Headquarters, who is in charge of the office of the Commissioner and also acts as liaison officer between the Commissioner and his other deputies. He is also in charge of the centralised Arms and Ammunition Department. Below the Deputy Commissioner of Police, Headquarters, are the Assistant Commissioner of Police, Headquarters (Executive) and the Senior Office Superintendent (Ministerial). There is also a ministerial establishment of considerable size. The Arms and Ammunition Department is responsible for administering, in addition to the Arms Act and Rules, the Poisons Act and Rules, the Explosives Act and Rules, the Electricity Act, the Aircraft Act and Rules, the Petroleum Act and Rules, the Carbide and Calcium Rules, the laws relating to cinemas and other forms of entertainment, the Wild Animals and Wild Birds Protection Act, and certain provisions of the Bombay Police Act, 1951.

Specialised Departments under the Commissioner of Police

The specialised agencies operating under the Commissioner of Police are under five Deputy Commissioners of Police, viz., Deputy Commissioner of Police, Special Branch I, Criminal Investigation Department, Deputy Commissioner of Police, Crime Branch, Criminal Investigation Department, Deputy Commissioner of Police, Prohibition, Deputy Commissioner of Police, Armed Forces, Motor Transport and Wireless, and Deputy Commissioner of Police, Traffic and Public Conveyances Licensing Department. Also under the Commissioner of Police for administrative purposes, though it forms part of the Central Intelligence Bureau of the Government of India, is the Special Branch II, Criminal Investigation Department, which deals mainly with matters connected with foreigners, and which is controlled by a Deputy Commissioner of Police borne on the cadre of the Central Intelligence Bureau, Government of India, Bombay. As administrative control vests in the Commissioner of Police, and the staff of the Branch is drawn from the Greater Bombay Police Force, it is included in the description of the specialised agencies under the Commissioner of Police.

Special Branch I of C.I.D.

The Special Branch I of the Criminal Investigation Department deals mainly with matters concerning national security. Besides the Deputy Commissioner of Police, the Branch consists of some Assistant Commissioners of

Police, a number of Inspectors of Police, Selection Grade Sub-Inspectors of Police, Sub-Inspectors of Police, a Police Jamadar, a number of Head Constables and Police Constables and some clerical staff. A special feature of the Branch is the employment of Reporters.

Crime Branch, C.I.D.

The work of the Crime Branch of the Criminal Investigation Department is distributed among several sub-divisions. The first of these, the Crime Branch proper, investigates important and complicated cases of serious crime like murder, robbery, dacoity and house-breaking. The General Branch handles important cases of cheating, criminal breach of trust, forgery, illegal prize competitions and bogus lotteries, infringements of trade marks and a variety of magisterial enquiries. The Vigilance Branch deals with cases of social vice, juvenile delinquency, kidnapping, abduction, domestic strife involving women and children and matters arising out of the Children Act. The Branch utilises a Juvenile Aid Police Unit for dealing with juvenile delinquents and also has a branch of the Women Police for handling child delinquents and guarding, escorting and taking care of female prisoners. The Prevention of Crime Branch deals with externment, preventive detention, deportation of foreigners, habitual offenders and similar matters. The Pathan Branch, which works in close liaison with the Sectional Police as well as the District Police in cases of offences committed by Pathans, is responsible for registration of Pathans as foreigners. The Control Section deals with cases of infringement of various control orders relating to essential commodities. The Drugs Control Section gives assistance to the Director of the Drugs Control Administration in detecting offences under the Drugs Control Act. The Modus Operandi Bureau maintains the records of criminals and provides guidance in investigation to police officers. The Crime Record Branch constitutes the central registry for the whole Crime Branch of the Criminal Investigation Department. In addition to the Deputy Commissioner of Police, the Branch consists of Assistant Commissioners of Police, Inspectors of Police, Selection Grade Sub-Inspectors of Police, Sub-Inspectors of Police, a Police Jamadar, Head Constables, Police Constables and clerks.

Prohibition Department

The Prohibition Department is responsible for the enforcement of the prohibition policy in the entire area of Greater Bombay. In addition to the Deputy Commissioner of Police, the Department consists of an Assistant Commissioner of Police and a number of Inspectors of Police, Selection Grade Sub-Inspectors of Police, Sub-Inspectors of Police, Head Constables, Police Constables and Clerks. Included in the staff are Women Police who are utilised for watch duties at various places, including the Railways, and for carrying out the search of women offenders.

Armed Forces, Motor Transport and Wireless

Under the Deputy Commissioner of Police, Armed Forces, Motor Transport and Wireless, are the Armed Police, who are organised in three battalions. The Armed Police are used to provide guards and escorts and to control mobs. They are also used when special arrangements have to be made on important occasions. Under the Deputy Commissioner is also a Force of unarmed Police which is attached to the Police Head Quarters and is used for work connected with stores, recruit training school, issue of the daily Police Gazette, orderly duties, armament, telephone exchange, lost property section, etc. There is also a training reserve of Police Constables. The Motor Transport Section is responsible for the operation, repair and maintenance of the police motor fleet and water craft. The Section also runs a workshop. The Wireless Section, which provides wireless communication to and from wireless mobile patrols in Greater Bombay and also to areas outside Greater Bombay, consists of three branches, viz. Mobile Section, Radio Telephony Broadcast and H. F. Section. The Mobile Section provides wireless services for city patrol, Criminal Investigation Department patrol, and prohibition and traffic duties and it also maintains radio telephone communications in Greater Bombay. The Radio Telephony Broadcast sends out look-out messages at stated times to all Police Stations and also whenever needed in an emergency. The H. F. Section handles messages from and to places outside Greater Bombay. It is also responsible for running the control room in the office of the Commissioner of Police. The Armed Forces (including the unarmed Force employed at Police Headquarters and the training reserve) consists of three Assistant Commissioners of Police (each in command of a battalion), seven Inspectors of Police (including two in charge of the unarmed Force), twelve Selection Grade Sub-Inspectors of Police (including one attached to the unarmed Force), and a number of Sub-Inspectors of Police (including some attached to the unarmed Force), Police Jamadars, Head Constables and Police Constables. The Motor Transport Section consists of one Assistant Commissioner of Police, one Inspector of Police, and a number of Sub-Inspectors of Police, Police Jamadars, Head Constables and Police Constables. The Wireless Section (including the Control Room) consists of four Inspectors of Police, and a number of Sub-Inspectors of Police, Police Jamadars, Head Constables, Police Constables and Clerks.

Traffic and Public Conveyances Licensing Department

The Traffic Department is concerned with the regulation of traffic on the roads in Greater Bombay and with the education of the public in road sense. The Public Conveyances Licensing Section is concerned with the licensing and control of hack victorias, bullock-carts and hand-carts. The Department operates in three Divisions, viz. North, South and Propaganda. The North and South Divisions between them cover the area of Greater

Bombay and are responsible for actual traffic control. The Propaganda Division is responsible for education of the public in road sense. In addition to the Deputy Commissioner of Police, the Department consists of one Assistant Commissioner of Police, five Inspectors of Police, three Selection Grade Sub-Inspectors of Police, twenty-eight Sub-Inspectors of Police and a number of Police Jamadars, Head Constables, Police Constables and Clerks.

Special Branch II of C.I.D.

The Special Branch II, Criminal Investigation Department, is, as mentioned above, engaged on work relating to foreigners, and the Deputy Commissioner of Police who is in charge of the Branch, though under the administrative control of the Commissioner of Police, is borne on the cadre of the Central Intelligence Bureau of the Government of India. The Branch works in eight sections dealing with : (a) registration of foreigners other than those from Asian countries, (b) registration of foreigners from Asian countries other than China, (c) registration of foreigners from China, (d) matters pertaining to Commonwealth citizens and citizens of Middle East countries who are not required to register, (e) matters relating to international passports, Indo-Ceylon passports and permits for Nepal, (f) matters relating to seamen, (g) matters relating to control over passengers and immigrants at the Airport and (h) matters relating to control over passengers and immigrants at the Port of Bombay. Under the Deputy Commissioner of Police are one Assistant Commissioner of Police, four Selection Grade Sub-Inspectors of Police, including one working as Public Relations Officer, and a number of Sub-Inspectors of Police, Head Constables, Police Constables and Clerks.

Police Prosecutors

For the purpose of conducting prosecutions on behalf of the Police in the Courts of the Presidency Magistrates and for giving legal advice to police officers in the investigation of cases, the Commissioner of Police has under him a Chief Police Prosecutor and thirty-five Police Prosecutors with legal qualifications.

Police Band

At Police Headquarters a Police Band, consisting of a pipe band, and a brass band is maintained under a Band Master who has the rank of Inspector of Police. The Band may be utilised to provide music at Government functions. It may not accompany any procession, but may be hired out for private functions, subject to certain conditions.

Finger Print Bureau

Though in most respects the Police Force of Greater Bombay is self-contained, it does not have a separate section for finger prints. For this aid

to investigation it avails itself of the services of the Finger Print Bureau maintained at Bombay under the control of the Deputy Inspector General of Police, Criminal Investigation Department.

Range Deputy Inspectors General of Police

As already mentioned, the unit of Police organisation outside Greater Bombay is the administrative district, a number of districts being grouped into a Range for supervisory purposes under a Deputy Inspector General of Police. The constitution of the Ranges has been described earlier. The functions of the Deputy Inspector General of Police in charge of a Range are to perform, within his jurisdiction, such of the duties of the Inspector General of Police as are delegated to him. In certain matters he is the channel of communication between the Superintendents of Police, (or Superintendents of Railway Police as the case may be) and the Inspector General of Police. In others he has the power of taking final action or of issuing final orders. Among the latter are : (a) decision of appeals in certain disciplinary cases; (b) decisions on representations from the constabulary; (c) transfers within the Range of officers of the rank of Inspector of Police and below; (d) grant of leave, subject to certain limitations; (e) promotions of Sub-Inspectors of Police over the efficiency bar; (f) certain matters of financial control. The Deputy Inspectors General of Police each have on their staff an Inspector of Police, styled as Reader Inspector, who assists them in the study of crime in their charges and a small ministerial establishment. They also each have at their disposal a Task Force under a Deputy Superintendent of Police for the purpose of giving assistance in a local emergency in a particular district.

District Organisation

In each district there is a Superintendent of Police who, subject to the control of the District Magistrate, is responsible for regulating all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him, as provided in section 16 of the Bombay Police Act, 1951. However, in the district of Poona, the City of Poona and the adjoining cantonments of Poona and Kirkee, and, in the district of Nagpur, the City of Nagpur, have for several purposes been separated from the rest of the district and placed under a special Superintendent of Police. Thus the districts of Poona and Nagpur each have a Superintendent of Police (Rural) and a Superintendent of Police (Urban). Each district is divided into two or more sub-divisions which may be directly under the charge of the Superintendent of Police himself or of a sub-divisional officer of the rank of Assistant Superintendent of Police or Deputy Superintendent of Police. The officer in charge of a sub-division is responsible for all crime work in his charge, for the

efficiency and discipline of the men under him and for carrying out inspections of the police stations and outposts under him at regular intervals. In each sub-division there are several police stations each serving a prescribed area. These police stations, if they exclusively serve an urban area, are generally under the charge of an Inspector of Police. If they serve rural areas (in which one or more small towns may be included), they are under the charge of a Sub-Inspector of Police, and each such rural police station has under it one or more outposts, consisting of a group of villages, under a Head Constable. A number of such rural police stations are grouped together for purposes of supervision and inspection into circles under Inspectors of Police. These Inspectors of Police are responsible for crime work in their circles, for surveillance of bad characters and gangs, and for supervision and coordination of work in the police stations. At headquarters, the Superintendent of Police has a small ministerial establishment, including a Head Clerk and a Police Accountant. An officer of the rank of Inspector of Police serves as Home Inspector. The Home Inspector does the routine work, supervises the office during the absence from headquarters of the Superintendent of Police and generally works as Personal Assistant to the Superintendent. The work at headquarters is done in three Branches (Headquarters, Local Intelligence and Local Crime) each under an Inspector of Police in the larger districts and a Sub-Inspector of Police in the smaller districts. A Task Force is also attached to headquarters under a Sub-Inspector of Police. In most districts legal practitioners are employed as Police Prosecutors or Sub-Police Prosecutors to conduct court proceedings and to give legal advice in the investigation of crime. At the village level, the Superintendent of Police has discretion to constitute voluntary bodies, called village defence parties, for the purpose of protection of person and property in the village and for public safety. Any villager between the ages of 20 and 50 who is considered suitable may be enrolled as a member of the defence party and one of the members may be nominated as honorary commandant, with the title of Kotwal. For each taluka, the Superintendent of Police may appoint an officer of the rank of Head Constable or above as Taluka Village Defence Officer, with responsibility for direction and supervision of village defence parties. A non-official may be associated with the Taluka Village Defence Officer as Joint Taluka Village Defence Officer. For supervision and coordination at the district level an officer of the rank of Sub-Inspector of Police or above may be appointed as District Village Defence Officer and a non-official may be associated with him as Joint District Village Defence Officer. At each district headquarters, a Police Band is maintained, consisting of a Head Constable as Band Master and fourteen Armed Police Constables as Bandsmen, the number being increased to sixteen if tenor drums are used. The details of the organisation of the Police Force at the district level naturally varies from district to district. It will suffice for our purpose to describe briefly the set-up in two districts, namely Ratnagiri, which has a comparatively simple structure, and Poona,

which, on account of the existence of the City of Poona and the two large adjoining cantonments, requires a more complex organisational structure.

Set-up in Ratnagiri District

The Ratnagiri District is divided into two sub-divisions, Northern and Southern, the former directly under the Superintendent of Police, and the later under a sub-divisional officer of the rank of Assistant Superintendent of Police or Deputy Superintendent of Police. In these two sub-divisions there are eleven Taluka police stations, four Mahal police stations and one sub-police station, each under a Sub-Inspector of Police. There are also twenty-seven outposts under Head Constables. The Force has at its disposal eight motor vehicles, a static wireless station with three receivers and two transmitters, eight wireless stations at taluka places and motor launches for prohibition and anti-smuggling work.

Set-up in Poona District

The Poona District is divided for most matters into two, Rural and Urban, each having its own Superintendent of Police, but certain matters such as intelligence work, recruitment, training, arms and armament, supply of clothing and accoutrement are dealt with on a common basis. Poona Rural is divided into two sub-divisions, Eastern and Western, each under a sub-divisional officer. The Eastern Sub-Division consists of eleven police stations and twenty outposts, and the Western Sub-Division of ten police stations and twenty-three outposts, the police stations being under Sub-Inspectors of Police and the outposts being under Head Constables. There is a total of 617 village defence parties. One Sub-Inspector of Police and twelve Head Constables are assigned for the work of organising and training these parties in association with non-official Joint Village Defence Officers. Poona Urban covers the area of the City of Poona and the Poona and Kirkee Cantonments. It is divided into two sub-divisions, City and Cantonments, each under a Sub-Divisional Officer. In each sub-division there are four police stations under Inspectors of Police. For traffic matters there is a separate branch under an Inspector of Police. Under the administrative control of the Superintendent of Police (Urban) is a Deputy Superintendent of Police who is responsible for political and allied intelligence work for the whole administrative district of Poona. Also under the administrative control of the Superintendent of Police (Urban) is a Deputy Superintendent of Police who is responsible for recruitment and training, as well as arms and armament, supply of clothing and accoutrement for the whole administrative district. Legal assistance is provided by one Police Prosecutor and fifteen Sub-Police Prosecutors. There is a fleet of motor vehicles, four static wireless stations and three mobile wireless sets.

Railway Police

For dealing with the special problems arising from the policing of the railways two special police districts have been constituted for the State of Maharashtra, one with headquarters in Poona for parts of the areas of the Western and Central Railways and the whole area of the Southern Railway and one with headquarters in Nagpur for the area of the South-Eastern Railway and the remaining parts of the areas of the Western and Central Railways. The Superintendents of Police in charge of these districts are responsible for discharging police functions connected with the administration of the railways situated within their respective charges and such other functions as the State Government may from time to time assign to them. As already mentioned, they are placed under the supervision of the Deputy Inspector General of Police, Poona Range, and the Deputy Inspector General of Police, Nagpur Range, respectively. The organisation of a railway police district is similar to that of an ordinary territorial district with sub-divisions and Police Stations.

Criminal Investigation Department

The biggest specialised police organisation of State-wide extent (excluding Greater Bombay) is the Criminal Investigation Department under a Deputy Inspector General of Police, with headquarters in Bombay. The functions of the Criminal Investigation Department will have become sufficiently apparent from the description given of the corresponding organisation in Greater Bombay. Under the Deputy Inspector General of Police are Superintendents of Police in charge of Branches. Under one of the Superintendents of Police, comes the Finger Print Bureau, consisting of a Director and a staff of experts and searchers stationed at Bombay, Poona and Nagpur, and the Handwriting and Photographic Bureau, consisting of the State Examiner of Documents and a staff of photographers and technical assistants at Bombay, Poona and Nagpur. Each of the Branches has, in addition, a number of Inspectors of Police, Sub-Inspectors of Police, Head Constables and Police Constables. For field work in the districts there are four units, one for each Range, each under a Deputy Superintendent of Police and each having a staff of Inspectors of Police, Sub-Inspectors of Police, Head Constables and Police Constables. There is also a ministerial establishment stationed in Bombay, Poona and Nagpur.

Motor Transport Organisation

Other specialised services with Statewide organisations are the Motor Transport Organisation and the Wireless Organisation. The Motor Transport Organisation is under a Superintendent of Police, Motor Transport, with headquarters at Poona. The whole fleet of police transport, including motor

vehicles placed at the disposal of the Superintendents of Police and the Commandants of the Special Police Reserve Force Groups, and Prohibition and Excise launches, motorised dinghies, boats, etc. are under his technical control. The organisation runs three central motor transport workshops at Poona, Nagpur and Aurangabad and a duly equipped van fitted as a launch repair mobile workshop. At headquarters there is a Deputy Superintendent of Police, Motor Transport, who is a technician, and there are two Zonal Inspectors of Police, who also are technicians. The central motor transport workshops and the mobile launch repair workshop have Sub-Inspectors of Police in charge who are technicians, with the requisite staff and each workshop maintains a central stores. At each district headquarters, the Reserve Inspector of Police or Sub-Inspector of Police generally looks after the Motor Transport Section, assisted by qualified Head Constable Supervisors, driver mechanics and civilian fitters. In a few districts, however, there are special Sub-Inspectors of Police (Motor Transport Technicians). In some districts there is a civilian motor vehicle fitter instead of a Driver Mechanic. There is an appropriate number of drivers of the rank of Head Constable or Police Constable. For each group of the State Reserve Police Force, there is a Motor Transport Officer of the rank of Sub-Inspector of Police who is a technician, with driver-mechanics, supervisors, drivers and writers of the rank of Head Constable or Police Constable, and, in the case of two groups, civilian tradesmen. For running the fleet of water craft, there are launch drivers, motorised dinghy drivers, serangs and khalasis. It will be seen that, for the most part, the staff of the Motor Transport Organisation consists of police officers, but they are required to be technically qualified.

Wireless Organisation

The Wireless Organisation is under a Superintendent of Police, Wireless, with headquarters at Poona. At headquarters there is a Deputy Superintendent of Police, Wireless, in charge of a central workshop, central stores, a training centre and a monitoring and check office. There is also a Head Police Wireless Inspector who serves as Personal Assistant to the Superintendent in office matters. At each district headquarters there is a Wireless station. There are also taluka wireless stations in several districts. For each Range, there is a Range workshop under the charge of a Police Wireless Inspector. At the district level, there is a Radio Mechanic and for each group of the State Reserve Police Force there is a Police Wireless Inspector or Radio Mechanic. There is also a Police Wireless Inspector in Bombay for State Controls, Bombay City Wireless Organisation and I.A.P. control.

Training

For the training of recruits to the Police Force, there is a Central Police Training College at Nasik under a Principal of the rank of

Superintendent of Police, and Regional Police Training Schools at Nagpur, Khandala and Jalna, under a Principal of the rank of Deputy Superintendent of Police. The Central Police Training College is meant for Probationary Assistant Superintendents of Police (during the period of their practical training on completion of training at Mt. Abu), Probationary Deputy Superintendents of Police, directly recruited Inspectors of Police and directly recruited Sub-Inspectors of Police. Head Constables who are promoted as Sub-Inspectors, if they have passed the departmental examination in law and the practical test, and Head Constables and Police Constables selected for a refresher course at the Head Constables Training Class are also trained at the College. The training of a Probationary Assistant Superintendent of Police lasts for four months and a half, that of a Probationary Deputy Superintendent of Police for one year, and that of a directly recruited Inspector of Police or Sub-Inspector of Police, as also a Head Constable promoted as Sub-Inspector of Police, for a period of eighteen months. The refresher course for Head Constables and Police Constables is of six months' duration. The staff of the College, in addition to the Principal, consists of a Vice-Principal of the rank of Deputy Superintendent of Police, Law Instructors of the rank of Police Prosecutors, Practical Instructors and Head Drill Instructor of the rank of Sub-Inspector of Police, Assistant Drill Instructors, Farrier Major and Armourer of the rank of Head Constables, Language Master, Head Clerk, Accountant and Clerks. There is also a Medical Officer on deputation from the Medical Department. The College includes a model police station and a police museum. The Regional Training Schools are meant for the training of the police constabulary, a number of districts being assigned to each school. At the school at Nagpur, a Head Constables Training Class is conducted in addition. This is meant as a refresher course for junior Head Constables and Police Constables of promise to equip them for the duties of Police Station Officers. Similar courses may be organised at other Regional Training Schools or at district headquarters as may be found convenient. The course lasts for six months. The staff of the schools, in addition to the Principal, consists of a Vice-Principal or Chief Drill Instructor of the rank of Inspector of Police, Instructors of the rank of Police Prosecutor or Sub-Inspector of Police, and Drill Instructors of the rank of Armed Head Constable. Selected personnel of the State Police Force, including the State Reserve Police Force, are given training in Wireless Telegraphy at the Police Wireless Training Centre, Dapuri (Poona), which is under the charge of a Sub-Inspector of Police. The teaching staff at the centre consists of a Police Wireless Sub-Inspector (Engineering), a Police Wireless Sub-Inspector (Traffic), a Radio Mechanic, Electrician, and Head Wireless Operator. Training is given at the Police Motor Transport Training Centre at Poona to Head Constable Driver Mechanics, Head Constable Supervisors, Motorised Launch Drivers, Motorised Dinghy Drivers and Constable recruits. Instruction is given by the Superintendent of Police, Motor Transport, and his staff. Training is imparted at the Finger

Print Bureau to Head Constables and Sub-Inspectors in the use and classification of finger prints, the methods of taking prints, indexing, recording and searching of first information slips. Arrangements also exist for intensive training in the use of arms, crowd control and dispersal, traffic control and intelligence work.

Chart

A chart showing the organisation of the Department is appended.

(ii) Anti-Corruption and Prohibition Intelligence Bureau

Functions

The Anti-corruption and Prohibition Intelligence Bureau, though performing essentially police functions, is organisationally distinct from the Police Department and functions independently under the administrative control of the Home Department of the Secretariat, though it draws upon the Police Department for most of its investigating personnel. The function of the Bureau, in respect of corruption, is to detect cases of corruption in the public administration, including embezzlement of Government money, frauds, etc. and also cases of tax evasion. In respect of prohibition, it is the function of the Bureau: (a) to collect intelligence regarding known bootleggers, illicit distillation and sources of supply, smuggling of liquor, use of children in liquor trade, inter-district rackets and toddy tapping; (b) to inspect police stations, organise mass raids and suggest action against notorious bootleggers and for elimination of known liquor pockets; (c) to detect connivance by local police; (d) to deal with cases of Government servants indulging in drinking; and (e) to collect information regarding anti-prohibition activities.

Structure

The Director of the Bureau, though independent of the control of the Inspector General of Police, holds the rank of Deputy Inspector General of Police. He has at headquarters the assistance of two Deputy Directors and an Assistant Director. One of the Deputy Directors is a senior Executive Engineer taken on deputation from the Maharashtra Service of Engineers, Class I, temporarily posted at Poona; the other is a senior Divisional Forest Officer taken on deputation from the Maharashtra Forest Service, Class I. The Assistant Director is a senior Deputy Collector taken on deputation from the Maharashtra Civil Service (Executive Branch). These three officers provide information regarding procedures in their respective departments. They are also able to expose the *modus operandi* of corrupt officials in those departments. At headquarters there are a Deputy Superintendent of Police, an Inspector of Police, some Head Constables and Police Constables and a small ministerial establishment. Under the head office are five regional offices, one for Greater

Bombay and one for each Police Range, viz. Bombay Range, Poona Range, Aurangabad Range and Nagpur Range. At the head of each of these regional offices is a Deputy Superintendent of Police (designated as Assistant Commissioner of Police in Greater Bombay). The regional office for Greater Bombay has some Inspectors of Police, a Selection Grade Sub-Inspector of Police, some Sub-Inspectors of Police, and a number of Head Constables and Police Constables. The investigating staff in the other regions is considerably less, and is stationed partly at the regional headquarters and partly at district headquarters within the region. In each range there are some Inspectors of Police and Sub-Inspectors of Police and a number of Head Constables and Police Constables. The Greater Bombay regional office also has on its staff a radio mechanic, six watchers and one photographer.

Anti-corruption Committees

In order to assist the anti-corruption police in their investigations by providing insight into the *modus operandi* in individual departments, committees have been set up in each department of the State Government, consisting of the Head of Department and three or four officers of proved integrity representing various levels of administration. In each administrative district there is a District Anti-Corruption Committee, consisting of the Collector, the Executive Engineer, Buildings and Communications, the Superintendent of Police and the Divisional Forest Officer having jurisdiction over the district, for looking into complaints about corruption, including anonymous letters, and ensuring that adequate anti-corruption measures are taken and that departmental enquiries relating to cases of corruption are given top priority.

(iii) Director, Forensic Science Laboratory

Functions

The Forensic Science Laboratory was established in 1958 for the purpose of facilitating the application of modern scientific methods to the investigation of crime. On its establishment the work done formerly by the Chemical Analyser to Government, who was an officer of the Medical Department, was taken over, but since the reports of the Chemical Analyser and the evidence given by him are recognised in certain statutes as definitive, it has been found expedient to designate the Director of the Forensic Science Laboratory as Chemical Analyser to Government in addition. The Laboratory undertakes the examination of: (a) blood and semen stains in criminal and assault cases; (b) poisons in poisoning cases; (c) remnants from the sites of explosions, fires, thefts, motor accidents, etc.; (d) miscellaneous articles seized under various control orders or for infringement of trade mark or patent rights; (e) tool marks, bullet striations, etc. and (f) liquor, wash, ganja, bhang, opium

and blood samples in prohibition cases. It also carries out physico-chemical analysis of organic and inorganic poisons, drugs, soils, metal-dusts, glass, etc. and examines alcoholic preparations for assessing excise duty.

Staff

The Director of the Laboratory has the powers of a Head of Department. Under him are a Serologist, a Senior Toxicologist, a Senior Physicist, a Senior Analyst, a Senior Chemist, nineteen Assistant Chemical Analysers and other subordinate technical and non-technical staff.

(iv) Directorate of Public Prosecutions

Functions

The office of the Director of Public Prosecutions was established in 1958 in order to carry out case-studies of police investigation of crimes and of the conduct of prosecutions in criminal courts with a view to finding out defects which bring about failure. The Director accordingly undertakes a scrutiny of murder cases which have ended in acquittal and, where he finds defects of procedure which are responsible for the acquittals, he suggests courses of action by which such defects may be avoided in similar cases. The Director also undertakes scrutiny of particular cases relating to prohibition offences and to bigamous marriages when asked to do so. The Director issues a quarterly bulletin bringing to the notice of investigating officers and prosecuting agencies important unreported decisions of the High Court in so far as they indicate defects and pit-falls to be avoided in investigations and prosecutions and circulars issued from time to time for their guidance. The Director may be consulted before prosecutions are undertaken in heavy and complicated cases. Regional and district level conferences of investigating officers and prosecutors are held from time to time and visits are paid to districts with an unduly heavy incidence of crime or a high percentage of acquittals for discussion with the local officers and the suggestion of remedial measures. Police Prosecutors coming to Bombay for training are instructed by the Director, and the Director assists, whenever called upon, in the selection of candidates for the posts of Police Prosecutors.

Staff

The Director of Public Prosecutions is an officer who has served as a District Judge. He has the assistance of a small office staff.

(v) Stage Performance Scrutiny Board

Under the Bombay Police Act, 1951, control is exercised over performances for public amusement, including musical concerts, mimetic or

theatrical shows, *melas* and *tamashas*. One of the measures of control is prior scrutiny of the scripts for such performances by a Board appointed by the State Government and called the Stage Performances Scrutiny Board. All scripts of performances proposed to be staged have to be submitted to this Board and no performance can be staged of which the script is not passed by the Board. The Board consists of a Chairman and nine members appointed by the State Government for a term of three years. The members of the Board are generally chosen from among persons of literary attainments who are competent to scrutinise scripts in Marathi, Hindi, Gujarati or English. They serve in an honorary capacity. When scripts in other languages have to be scrutinised, the work is entrusted to honorary readers appointed for the purpose by the Chairman. Such honorary readers have been appointed for the scrutiny of scripts in Tamil, Telugu, Malayalam, Urdu, Kannada, Konkani and East Indian Marathi. The Board is assisted by a full-time Secretary and a small office staff.

(vi) Home Guards Organisation

Functions

The Home Guards Organisation consists of citizens who have undertaken to render assistance to the authorities in relation to the protection of person, the security of property and the public safety in times of emergency by reinforcing existing official agencies. Members of the Home Guards undertake to undergo regular training and to render service when called upon in an emergency. They may be called upon to assist in the maintenance of law and order, to help in times of natural calamities, to provide auxiliary fire, rescue, communication and ambulance services, and to operate transport, communication, electricity, water and other essential services when normal services are interrupted. Members of the Home Guards when called out for training or for duty are by law bound to obey lawful orders and to perform the duties laid upon them. They have all the powers, privileges and protection of officers of the police force, and, when acting in aid of the police, come under police control. In order to avail of the specialised knowledge of the members of the organisation, it is divided into five units, each with distinct functions. The Motorised Unit consists of members who have motor cars or motor cycles of their own and who place their vehicles at the disposal of the organisation. They are trained in traffic control, speed checking, driving of heavy vehicles such as trucks and buses, and communication. The Essential Services Unit consists of members trained in driving heavy vehicles, operating cranes, fire-fighting, rescue, first-aid, welfare etc. The Communications Unit consists of members who have technical training or experience and who are capable of manning communications equipment, like telephones or wireless, and of running control rooms. The Air Unit consists of members who are licensed pilots and are able to man planes for

carrying essential mails, medical equipment, food etc. The Medical Unit consists of medical practitioners who undertake to examine persons applying for admission to the Organisation, to help in first-aid and ambulance work and to man first-aid posts in an emergency. Women form a separate Wing and, in addition to receiving the same training as men, they specialise in ambulance work, first-aid, nursing, communications and social welfare. Initial training is given in three stages. Advanced training is also given at the Central Training Headquarters at Ghatkopar in courses of three weeks' duration.

Structure

At the head of the organisation is the Commandant General who is appointed by the State Government and in whom is vested the general supervision and control of the Home Guards throughout the State. He serves in an honorary capacity. Under the Commandant General is a Commandant for each district, including Greater Bombay, appointed by the State Government on the recommendation of the Commandant General. These officers also serve in an honorary capacity. The headquarters organisation consists of six directorates (Audit and Accounts, Administration, Personnel, Stores and Supplies, Training and Special Services), each with an honorary Director and honorary Staff Officers. Under these are paid staff. For general administrative work also paid staff is engaged. The District Commandants have under them a Second-in-Command, Adjutant, Staff Officers, Quarter-Master, Officers Commanding of Taluka Units and Officer-in-charge of Sub-Units, all honorary. At district, taluka and sub-unit level there is a skeleton paid staff.

Paid staff

There is a skeleton paid staff under the Commandant General and the District Commandants for office work, including a few gazetted officers from the ex-Madhya Pradesh State who are attached to Central or District headquarters.

(vii) Jail Department

Functions

The Jail Department is responsible for the prisons maintained by the State Government for the confinement of persons sentenced to imprisonment by courts of law or ordered to be detained in prison by order of a competent authority. Persons ordered to be detained by a competent authority pending trial may be kept in jail custody, though ordinarily they are kept in police custody. Unlike the position in some other countries with a federal constitution, there is only a single set of prisons in the State and no separate prisons exist

for offenders against laws in the Union list of subjects. Police lock-ups and civil jails (for the detention of persons under the orders of civil courts, usually contumacious debtors) do not come within the scope of the Jail Department, except for the Civil Jail for Greater Bombay, which is the responsibility of the Jail Department. Police lock-ups are the responsibility of the Police Department and civil jails outside Greater Bombay are the responsibility of the Nazirs attached to District Courts working under the supervision of the District Judges.

Classification of prisons

Under the law the prisons which are included in the Jail Department are classified into Central Prisons, District Prisons, Special Prisons and Civil Jails (for Greater Bombay). District Prisons are divided into three classes. The classification of prisons facilitates the segregation of prisoners of different categories. Central Prisons are generally reserved for prisoners who are sentenced to terms of not less than two years, since in these prisons special facilities are provided for vocational training of prisoners in several industries and in agriculture as part of their rehabilitation. They may, however, be used for the confinement of prisoners with shorter sentences coming from adjoining districts if there are no District Prisons in those districts. District Prisons in Class I are used for prisoners who are sentenced to death, those sentenced for less than two years but not less than three months, prisoners in transit, under-trial prisoners and prisoners classified by the trying court or the District Magistrate as habitual offenders. Prisoners sentenced to less than three months, or those who have been sentenced to not more than six months, if they have less than three months to serve, are confined in District Prisons in Class II and Class III. A Special Prison is meant for particular categories of prisoners who require to be segregated from other prisoners. There is only one Special Prison in Maharashtra, viz. that at Ratnagiri, but this is also a District Prison, Class I. Youthful offenders directed to be sent to a Borstal School cannot be confined in a Central, District or Special Prison, unless they are found to be unsuitable for a Borstal School and are, by due process of law, ordered to be transferred to ordinary prisons. Youthful offenders were until recently sent to the Borstal School at Dharwar, which used to serve the needs of the pre-reorganisation State of Bombay, in the absence of a school in Maharashtra, but a Borstal School has been opened at Kolhapur, and youthful offenders are now sent there. The law requires women prisoners to be detained in a separate building from that in which men are detained. It requires males below eighteen to be segregated from older prisoners and for boys below fifteen, if confined in a prison, to sleep in separate barracks. Prisoners convicted of certain offences indicating moral depravity or grave cruelty or prisoners classified as habituals are not to be mixed with other prisoners, and under-trial prisoners are not to be mixed with convicts. As far as possible cellular accommodation is to be provided to prisoners who are classified by the trying court in Class I on the basis

of their social status and mode of living, and, even where cellular accommodation cannot be provided, they are to be kept separate from other prisoners. Prisoners sentenced to death are to be confined in separate cells. Every Central Prison and every District Prison, Class I, has to have a Jail hospital, managed by a Medical Officer, who may either be a full-time officer resident in the Prison, or the Civil Surgeon of the district. In Central Prisons there are jail gardens and dairies. Every prison has a canteen from which prisoners may, subject to the jail rules, make purchases of supplementary articles of food, soap, oil, tooth paste, articles of stationery, etc. For these purchases they may utilise the private money they are allowed to have or the money they earn in the prison for work done by them.

Work of prisoners

Prisoners sentenced to simple imprisonment are not obliged to work, but may volunteer for light work and, if they so volunteer, they are paid on the same basis as other prisoners. Other prisoners who are required to be given work by the terms of their sentence are paid wages for work done after three months of admission. Work is classified as heavy or light, but none of it is purely penal in character. All labour is either industrial or agricultural in character, and trained technical staff is employed for the guidance of the prisoners. Except for prisoners who have been convicted for certain specified offences, prisoners may be appointed as convict overseers or as convict night watchmen.

Regional division

The State of Maharashtra has been divided into two regions for purposes of prison administration, viz. the Western Region, consisting of the Bombay and Poona Divisions, and the Eastern Region, consisting of the Aurangabad and Nagpur Divisions. The Western Region has two Central Prisons, viz. Yeravda (Poona) and Nasik Road, seven District Prisons, Class I, viz. Arthur Road (Bombay), which is also a Civil Jail, Byculla (Bombay), Thana, Dhulia, Visapur, Kolhapur (Kalamba) and Ratnagiri, which is also a Special Prison, two District Prisons, Class II, viz., Satara and Sangli, twelve District Prisons, Class III, viz., Ahmednagar, Akalkot, Alibag, Bhusaval, Ichalkaranji, Jalgaon, Kolhapur (City), Nasik, Phaltan, Poona, Sawantwadi and Sholapur, and a Borstal School at Kolhapur. At the Yeravda Central Prison there is a separate female Prison. At Yeravda also there is a Jail Officers Training School which provides training in correctional administration to the jail administrative staff. The Eastern Region has two Central Prisons, viz., Nagpur and Aurangabad, two District Prisons, Class I, viz., Akola and Amravati, four District Prisons, Class II, viz. Bhandara, Chanda, Yeotmal and Parbhani, and five District Prisons, Class III, viz. Buldhana, Nanded, Bhir, Osmanabad and Wardha.

Staff

At the head of the Jail Department is the Inspector General of Prisons. Formerly the Inspector General of Prisons used to be drawn from the Indian Medical Service and was chosen from members of that Service who had had previous experience of jail administration in the capacity of Superintendent of a Central Prison. In recent years the post has been treated as a purely administrative one and it is now included in the cadre of the Indian Administrative Service. When not held by a member of that Service, it may be filled by an officer of the Medical Service deputed to hold it or by a direct recruit. The staff under the Inspector General of Prisons consists, on the executive side, of Superintendents of Central Prisons, Superintendents of District Prisons, Deputy Superintendents, Jailors (in two Groups), Physical Training Instructors, Jail Guards and Matrons. On the medical side the staff consists of Medical Officers, Compounders and Nursing Orderlies. On the technical side the staff consists of a Superintendent of Jail Industries, Technical Assistants, Agricultural graduates and field Kamgars, Teachers, Tailor Masters, Paper Instructors and Malis. The ministerial staff includes an Organisation and Methods Officer, a Personal Assistant to the Inspector General of Prisons, an Office Superintendent, Superintendents of Branches and Stewards.

Structure at headquarters and regional level

At headquarters the Inspector General of Prisons has the assistance of a Deputy Inspector General of Prisons of the rank of Superintendent of a Central Prison, a Personal Assistant, an Organisation and Methods Officer and a Superintendent of Jail Industries. The ministerial work is done in seven branches. The Superintendents of the Central Prisons at Yeravda and Nagpur also function as Deputy Inspectors General of Prisons for the Western and the Eastern Region, respectively, and in this capacity relieve the Inspector General of some of his supervisory responsibilities in respect of prisons in their regions. They each have a small regional office under them.

Structure of prisons

A Central Prison is under the charge of a Superintendent in Class I Service. Under him are: (a) a Medical Officer in Class II Service, assisted by a Medical Officer in Class III Service, Compounders and Nursing Orderlies; (b) a Factory Manager of the rank of Jailor, Group I, assisted by a Factory Clerk, a Factory Jailor, A Sales Room Jailor and Technical Staff; (c) a Senior Jailor in Group I, assisted by a Storekeeper, a Teacher, a Subedar and Guarding Staff; (d) an Agricultural Officer; (e) a Canteen Jailor in Group III assisted by a Canteen Clerk; (f) a Head Clerk, assisted by two Clerks; (g) a Steward assisted by a Ration Clerk; and (h) a Judicial Jailor, assisted by two Judicial Clerks. At the Yeravda Central Prison there are in addition a Woman Jailor and a Woman Doctor for the Female Prison. A District Prison,

Class I, is under the charge of a Superintendent in Class II Service. Under him is a Senior Jailor, and immediately under him are (a) a Factory Jailor in Group II, assisted by Instructors in Industries and a Clerk; (b) a Canteen Jailor in Group II, assisted by a Clerk; (c) a Judicial Jailor in Group II, assisted by a Clerk; (d) a Subedar, assisted by Guards; (e) a Teacher; (f) a Medical Officer in Class III Service, assisted by a Compounder and a Nursing Orderly; and (g) a Head Clerk, assisted by a few Clerks. A District Prison, Class II, is under the charge of a Jailor, Group I, who functions as Superintendent. He has the assistance of Jail Guards and Clerks. A District Prison, Class III, is under the charge of a Jailor, Group II, who functions as the Superintendent. He has the aid of Jail Guards and one Clerk.

Borstal School and Jail Officers Training School

The Borstal School at Kolhapur is under a Principal who is of the rank of Superintendent of a District Prison in Class II Service. He has under him Teachers and Instructors in trades. The Jail Officers' Training School is under a Principal who is of the rank of Superintendent of a Central Prison in Class I Service.

Advisory Boards at prisons

At every prison there is a Board of Visitors consisting partly of officials who are visitors by virtue of the offices they hold and partly of non-officials specially appointed by the Government. The rules require that one of the visitors by turn should pay a visit once a week to the prison, but it is open to any visitor to visit the prison at any time. There are also Advisory Boards for each prison, consisting of officials as well as non-officials, to examine cases of long term prisoners for premature release. At the Yeravda Central Prison there is a Special Advisory Board to examine the cases of juvenile prisoners for premature release, conditionally or otherwise, or for transfer to the adults section of the prison or for retention in the juvenile section until the age of twenty-five years.

Chart

A chart showing the organisation of the Department is appended.

(viii) Prohibition and Excise Department

Functions

The Prohibition and Excise Department was originally concerned mainly with the collection of revenue through excises levied on intoxicants and the sale of licenses for the sale of intoxicants. The Department also enjoyed a monopoly in the manufacture and distribution of country liquor.

With the gradual enforcement of prohibition, the Department has lost its revenue collecting function, except to the limited extent to which: (a) excise revenue is still collected on intoxicants allowed to be manufactured or imported for the use of permit holders; and (b) permit or license fees are levied. The Department is now entrusted with the administration of certain laws either prohibiting or regulating the use of intoxicating beverages and drugs, medicinal, toilet and spirituous preparations which are capable of being misused as intoxicants, and drugs which are dangerous or are liable to be used in a manner injurious to health. The Department is responsible for the administration of the following Acts and the rules, regulations and orders made thereunder:

1. The Bombay Prohibition Act, 1949,
2. The Bombay Opium Smoking Act, 1936,
3. The Bombay Drugs (Control) Act, 1959,
4. The Medical and Toilet Preparations (Excise Duties) Act, 1955,
5. The Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955,
6. The Dangerous Drugs Act, 1930,
7. The Indian Power Alcohol Act, 1948.

In respect of drugs and medicinal preparations, the responsibility of the Prohibition and Excise Department must be distinguished from that of the Drugs Control Administration which is under the administrative control of the Urban Development and Public Health Department of the Secretariat. The Prohibition and Excise Department is concerned only with control over the possession and use of drugs or medicinal preparations which may, if misused, prove dangerous or harmful, such as narcotics or stimulants which are prone to foster addiction. It is also concerned with control over possession and use of preparations containing alcohol which may be misused as intoxicants. The Drugs Control Administration, on the other hand, is concerned with the maintenance of adequate standards of purity, strength, etc. of medicinal preparations of all kinds. Another special circumstance which needs to be mentioned is that, while it is the responsibility of the Prohibition and Excise Department to organise publicity and propaganda for prohibition, the detection and investigation of offences and the conduct of prosecutions is the responsibility of the Police Department. In the course of its work the Department is concerned with licensing, inspection of licences and enforcement of various controls, through the supervision of bonded warehouses, manufactories and *neera* centres, the management of Government liquor and drugs depots, and the inspection of various excise licences. Officers of the Department are required to associate themselves with the ameliorative and

social aspects of prohibition propaganda and to cooperate with the Police in the prevention and detection of prohibition offences.

The role of Collectors

The Prohibition and Excise Department, though it has a separate organisation under the Director of Prohibition and Excise, also utilises the services of the Collectors of districts, in so far as they are given powers by law to grant permits and licences. Thus, under the Bombay Opium Smoking Act, 1936, and the Bombay Drugs (Control) Act, 1958, Collectors have powers to issue warrants for the arrest or for search of suspects, powers to enter and search private premises, powers to seize material, power to arrest without warrant and to carry out investigations. These powers of the Collector may be delegated. The Collectors are subject to the supervision and control of the Director of Prohibition and Excise when they function under the laws mentioned above. They in turn exercise control over the district establishment of the Prohibition and Excise Department, even though that establishment is organisationally distinct from the office of the Collector.

Structure at headquarters

The headquarters organisation of the Department consists of the Director of Prohibition and Excise, who is an officer drawn from the Indian Administrative Service, assisted by a Deputy Director of Prohibition and Excise, a Prohibition Liaison Officer, a Chief Accounts Officer of Prohibition and Excise and an Officer on Special Duty and *ex-officio* Secretary, Maharashtra State Prohibition Board. Under these officers is a non-gazetted establishment of a little over a hundred.

Structure at regional level

While there are Regional Deputy Directors of Prohibition and Excise at Nagpur and Aurangabad for the Nagpur and Aurangabad Divisions, the Bombay and Poona Divisions are directly controlled from headquarters. The Regional Deputy Directors of Prohibition and Excise at Nagpur and Aurangabad each have a small non-gazetted establishment under them. They each have the assistance of an Honorary Prohibition Organiser.

Structure at district level

At the district level, each district (including Greater Bombay) has either a Superintendent of Prohibition and Excise of gazetted rank or a District Inspector of Prohibition and Excise of non-gazetted rank under the general supervision and control of the Collector of the district in both cases. Greater Bombay and Poona District are each under a Superintendent of Prohibition and Excise in Class I Service. In Greater Bombay, on account of the volume

of work, the Superintendent has the assistance of two Deputy Superintendents in Class II Service. The districts of Ahmednagar, Aurangabad, Chanda, Nagpur, Nasik, Kolhapur, Ratnagiri, Sholapur and Thana are under Superintendents of Prohibition and Excise in Class II Service. The remaining fifteen districts are under District Inspectors of Prohibition and Excise in Class III (non-gazetted) Service. The lower staff includes District and City Prohibition Propaganda Officers, Inspectors and Sub-Inspectors of Prohibition and Excise, Petty Officers, Constables and ministerial personnel.

Statutory Boards

In the operation of the Bombay Prohibition Act, 1949, the State Government or subordinate authorities are required in certain matters to act after consulting expert opinion. For this purpose Boards have been formed at State or district level. One is a Board of Experts which advises the State Government on the question whether a particular medicinal or toilet preparation or any antiseptic preparation or solution or flavouring extract, essence or syrup containing alcohol is unfit for consumption as alcoholic liquor. The second is named the Bombay (Drugs Permits) Medical Board and its function is to advise the Director of Prohibition and Excise in matters relating to the grant of renewal of opium, ganja and bhang permits and the fixation from time to time of the quantum to be allowed to a permit holder. The third is called the State Medical Board. It advises the Director of Prohibition and Excise in regard to appeals made by applicants for foreign liquor health permits against decisions by Area Medical Boards. At the district level, there are Area Medical Boards for foreign liquor health permits and similar Boards for drugs permits. The Boards examine applicants for permits and make recommendations to the Collector of the district. The Medical Boards function as part of the Medical Department under the control of the Surgeon General with the Government of Bombay and the Board of Experts also functions independently of the Prohibition and Excise Department, its Secretary being the Director of the Drugs Control Administration who deals directly with the Home Department of the Secretariat.

Chart

A chart showing the organisation of the Department is appended.

(ix) Motor Vehicles Department

Functions

The Motor Vehicles Department is responsible for the administration of the Motor Vehicles Act, 1939, the Bombay Motor Vehicles Tax Act, 1958, the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958, and the Maharashtra Tax on Goods (Carried by Road) Act, 1962. In

respect of the first Act, the Department functions as a regulatory authority in respect of the use of motor vehicles of every kind on the public streets, including registration, grant of licences to drivers, grant of permits for use of motor vehicles for the conveyance of the public or for the public carriage of goods, the grant of licences to authorities running public transport services and control over their operations in the public interest. In respect of the other three Acts, the Department is mainly a tax collecting agency, the receipts as estimated for 1963-64 being more than Rs. 10.40 crores. For administrative convenience the running of the Government Transport Service in Greater Bombay, which provides transport for State guests, distinguished visitors and certain classes of government officers, is entrusted to the Department.

Structure

The Department is controlled by the Director of Transport who is in addition *ex-officio* Secretary of the Maharashtra State Transport Authority functioning under the provisions of the Motor Vehicles Act, 1939. Under him are five Regional Transport Officers who are in addition *ex-officio* Secretaries of the Regional Transport Authorities constituted under the Act. The five regions are constituted as follows :

| <i>Designation of Regional Officer</i> | <i>Area of Jurisdiction</i> |
|--|---|
| Regional Transport Officer, Bombay, | Greater Bombay. |
| Regional Transport Officer, Thana, | Districts of Thana, Kolaba, Ratnagiri, Nasik, Dhulia and Jalgaon. |
| Regional Transport Officer, Poona, | Districts of Poona, Satara, Sangli, Kolhapur, Sholapur and Ahmednagar. |
| Regional Transport Officer, Aurangabad, | Districts of Aurangabad, Osmanabad, Bhair, Parbhani and Nanded. |
| Regional Transport Officer, Nagpur, | Districts of Nagpur, Wardha, Bhandara, Chanda, Amravati, Akola, Yeotmal and Buldhana. |

The Regional Transport Officers function as registering and licensing authorities under the Motor Vehicles Act, 1939, and also as taxing authorities under the three Taxation Acts mentioned above. Several powers of the Regional Transport Authorities are delegated to the Regional Transport Officers. The Director of Transport, in addition to exercising supervision and control over the regional authorities, functions as the taxing authority under the Taxation Acts in respect of owners of fleets of vehicles and vehicles from outside the

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State and also as an appellate authority in respect of taxation as well as certain matters coming under the Motor Vehicles Act, 1939. He can grant stay of action in certain matters pending decision by the State Transport Authority.

Personnel

The Director of Transport, who is an officer belonging to the Indian Administrative Service, has the assistance at headquarters of two Deputy Directors of Transport and an executive staff consisting of four Enforcement Supervisors, three for the Motor Vehicles Section and one for Goods Tax, and two Motor Vehicles Inspectors for Goods Tax. The ministerial staff, which total forty-five, works in five sections. The Regional Transport Officer, Bombay, has three Assistant Regional Transport Officers under him and an executive staff of two Supervisors, twenty-five Motor Vehicles Inspectors, sixteen Assistant Motor Vehicles Inspectors and one Motor Vehicles Prosecutor. The ministerial staff consists of two hundred and fourteen persons, including an office superintendent, accountants and a senior auditor. Each of the other Regional Transport Officers has the assistance of an Assistant Regional Transport Officer who deals with matters relating to Goods Tax. Except for the Aurangabad region, each regional officer also has the assistance of another Assistant Regional Transport Officer, who is given charge of two to four districts in the region. The other staff in the regional organisation outside Greater Bombay consists of four Motor Vehicle Supervisors, forty-three Motor Vehicle Inspectors, forty-nine Assistant Motor Vehicle Inspectors, four Motor Vehicle Prosecutors and a ministerial establishment of two hundred and ninety-six.

Structure of Government Transport Service

The Government Transport Service which is placed under the Director of Transport has a separate set-up. It maintains a small fleet of passenger cars which are used for the conveyance of important State guests, distinguished visitors, and certain classes of Government officers and also maintains a workshop for repairs to and maintenance of these vehicles as well as cars provided for the use of ministers, deputy ministers, etc. Under a Superintendent of gazetted rank are a foreman for the workshop, drivers, mechanics, one assistant electrician and some ministerial officers.

State and Regional Transport Authorities

As the work of the Motor Vehicles Department is very closely linked with the functioning of the State and Regional Transport Authorities constituted under the Motor Vehicles Act, 1939, and as the staff of the Department are, in effect, the executive arm of these Authorities, a description of their functions and constitution is given here. Each Regional Transport Authority has four

official members (including the Regional Transport Officer as *ex-officio* Secretary) and two non-official members, all nominated by the State Government. The Chairman is the Divisional Commissioner, the Commissioner, Bombay Division, being the Chairman of the Greater Bombay as well as the Thana Regional Transport Authorities. Each Regional Transport Authority has a senior Police Officer and a Superintending Engineer from the Buildings and Communications Department as the other official members. The Regional Transport Authority may disqualify a person for holding a driving licence and may grant, refuse or renew certain categories of permits and enforce conditions in certain cases. The State Transport Authority has four official members and six non-official members, all nominated by the State Government. The Chairman is the Secretary to Government, Agriculture, Food and Cooperation Department, the other official members being the Chief Engineer to Government, Buildings and Communications, the Director, Anti-Corruption Bureau, and the Director of Transport, who is also *ex-officio* Secretary of the Authority. The non-official members include representatives of transport and commercial organisations. The authority is responsible for coordinating and regulating the activities and policies of the Regional Transport Authorities, settling disputes and differences of opinion between such authorities, issuing directions to them, countersigning permits of inter-State validity and hearing appeals in certain matters.

Chart

A chart showing the organisation of the Department is appended.

(x) Examiner of Books and Publications

Functions

The Examiner of Books and Publications functions as a head of office, the powers of head of department being exercised by the Secretary to Government, Home Department. His main function is to scrutinize newspapers and books published in the State of Maharashtra and to bring to the notice of the Government any matter contained in them that he considers worthy of attention. Cuttings of noteworthy articles with summarised translations of those in languages other than English are furnished to the ministers concerned. The Examiner maintains liaison with the Registrar of Newspapers for India and keeps a watch on declarations filed by printers, publishers and editors under the Press Act. Cuttings of advertisements of drugs which appear to contravene the law are sent to the Director of Drugs Control Administration. Except for translation of Bills and Acts which is now done in the Law and Judiciary Department of the Secretariat, the Examiner is responsible for translation into Marathi, Gujarati, Hindi, Sindhi, Konkani, Portuguese or Urdu of official documents, statements, reports, agreements, forms, deeds, etc.

Structure of office

The Examiner has under him two Assistant Examiners. One of them is in charge of branches for English, Hindi, Gujarati, Sindhi, and Urdu, the library and the establishment branch. The other Assistant Examiner is in charge of the Marathi Branch, divided into a Reporting Section and a Translation Section. The lower staff consists of supervisors, scrutineers, reporters, translators, librarian and clerks.

*(xi) Administrator General and Official Trustee**Dual functions*

The Administrator General and Official Trustee functions under two different statutes. As Administrator General his functions and duties are laid down in the Administrator General's Act, 1963, which has replaced the Administrator General's Act, 1913. As Official Trustee he functions under the Official Trustees Act, 1913. In both cases the law requires that a person with legal qualifications be appointed and, in practice, it has been found convenient to combine the two offices. The Administrator General and the Official Trustee are declared to be corporations sole, with perpetual succession and an official seal, and they may sue or be sued in their corporate names.

Functions of Administrator General

The main function of the Administrator General is to take probate and to administer the estates of deceased persons when there is no one appointed or forthcoming to take up the work. If any person has died leaving assets exceeding Rs. 5,000 in value and there is imminent danger of misappropriation or waste of such assets, the Administrator General can, with the approval of the High Court, apply for probate or letters of administration, or take steps to collect and safeguard the assets of the estate. In other cases, the Administrator General ordinarily applies to the Court for administration of the estates of deceased persons if: (a) the assets exceed Rs. 5000/- in value; (b) no person to whom any court of competent jurisdiction could commit administration of the estate has within one month of death of the person leaving the estate applied for letters of administration; and (c) there is apprehension of misappropriation or deterioration of the assets if proceedings are not taken by the Administrator General. In the case of estates outside Greater Bombay, the District Judge is required to report to the Administrator General an occurrence which requires his intervention and to take charge of, and look after, the assets pending the taking of probate or letters of administration by the Administrator General or any other person competent to do so. Private executors or administrators may, with the consent of the Administrator General, transfer to him the function of administering estates. An important function of the Administrator General is to issue certificates to beneficiaries in the case of estates which do

not exceed Rs. 5,000/- in value, entitling them to receive the assets due to them. In the case of such estates the Administrator General is authorised to administer them and distribute the assets without the formality of obtaining probate or letters of administration. Fees are leviable for the work done.

Functions of Official Trustee

The main function of the Official Trustee is to act as sole trustee, except in the case of trusts of a religious nature or trusts involving the carrying on of any business. He may, however, decline to accept any trust. Private trustees may, with his consent, transfer trusts in their charge to the Official Trustee and an executor or administrator of the estate of a deceased person may transfer to the Official Trustee the legacy of an infant or a lunatic. Fees are leviable for the service rendered by the Official Trustee. To a certain extent, there is over-lapping of the functions of the Official Trustee and those of the Charity Commissioner, who is under the administrative control of the Law and Judiciary Department. The Charity Commissioner, however, can take over as sole trustee only charitable trusts coming within the scope of the Bombay Public Trusts Act, 1950, whereas the Official Trustee can undertake to be the sole trustee of private as well as public trusts, subject to the two limitations mentioned above.

Staff

The Administrator General and Official Trustee has the assistance of a small ministerial staff including a Superintendent and an Accountant.

(xii) Fire Fighting Organisation

Fire Adviser to Government

Except in Marathwada, fire-fighting services are primarily the responsibility of municipalities, though, as an emergency measure, the State Government has vested administrative and operational control over the Fire Brigade of the Bombay Municipal Corporation in the Director of Civil Defence, who also functions as Fire Adviser to Government. The Fire Adviser to Government advises on measures to be taken for the prevention of fires and organises training in fire-fighting and the prevention of fires for members of the fire-fighting units in industrial establishments. He also advises regarding the suitability of fire-resistant materials for use in cinema houses and regarding recruitment of personnel for fire services. He exercises the powers of Head of Department and Controlling Authority in respect of the Marathwada Fire Services.

Organisation in Marathwada

In Marathwada, where the State Government itself provides fire-fighting services, there is a Divisional Fire Officer with headquarters at Aurangabad.

He controls four Fire Stations, situated at Aurangabad, Nanded, Latur and Osmanabad. Each Station is under a Station Officer. These Stations primarily serve the needs of the towns in which they are situated, but when necessary they also answer calls from outside. Inspection of cinema houses, training of cadets, scouts, cinema employees and members of the Home Guard, rescue of victims of drowning or house collapses, attendance at the aerodrome when necessary, establishment of temporary fire stations during fairs, exhibitions and cultural shows, and the holding of fire prevention weeks to educate the public are some of the additional responsibilities of the fire-fighting services.

(xiii) Director of Civil Defence

The Director of Civil Defence has been appointed to prepare operational civil defence plans for selected area in Maharashtra, to assess and procure basic and essential civil defence equipment and to organise and provide training facilities. The plans cover present requirements as well as the potential requirements of a situation in which active defence measures have to be taken, and the Director is responsible for the services and equipment required. The Director, who is also Commandant General of the Home Guards and Fire Adviser to Government, serves in an honorary capacity. He has the assistance of Deputy Directors and a Civil Defence Officer at headquarters, and an Assistant Director and a Civil Defence Officer each at Poona and Nagpur. There is also a Mamlatdar stationed in the office of the Collector of Poona for civil defence work. The holders of some of these posts are serving in an honorary capacity. There is a Civil Defence Staff College which has instructors on its staff. There is also some staff at headquarters and at the Poona office.

(xiv) Maharashtra State Soldiers' Sailors' and Airmen's Board

The Maharashtra State Soldiers', Sailors' and Airmen's Board has been constituted by the State Government to look after the welfare of ex-servicemen and their families under the general control and supervision of the Indian Soldiers', Sailors' and Airmen's Board. The State Board administers and controls several funds which are meant for the execution of welfare measures for ex-servicemen and their dependents, coordinates and supervises the work of District Boards, and maintains liaison with the Central Board. The Board maintains several Rest Houses at various places in the State for the free use of ex-servicemen and hostels for the children of ex-servicemen, including one for girls at Satara. These hostels receive grants from the State Government. It runs eight libraries and provides monetary aid for medical treatment. It maintains three medical centres and also pays grants to other centres to provide free medical treatment to ex-servicemen. It provides scholarships to the children of ex-servicemen and gives servicemen help in regard to pension claims, claims for medals and awards and civil litigation. It also organises

collection of funds annually for the welfare of ex-servicemen. It has opened a training-cum-production centre at Satara to train ex-servicemen in such trades as weaving, hosiery, carpentry and fitting. Half the expenditure on this centre is met from a grant from the State Government. The Board is presided over by the Minister in charge of the Home Department. The General Officer Commanding in Chief, Southern Command, is Vice-President. The members consist of certain officials of the State Government, representatives of the armed forces, the Chairman of the Red Cross Society and non-officials and members of the State Legislature nominated by the President. The Board has a full-time Secretary. Day to day work is carried on by the Secretary of the Board with the assistance of a small office staff under the supervision of the Commissioner, Poona Division, who is Chairman of the Executive Committee of the Board, the other members of the Committee being the other three Divisional Commissioners and the Recruiting Officer, Poona. In eighteen districts (Ahmednagar, Akola, Amravati, Aurangabad, Buldhana, Dhulia, Greater Bombay, Jalgaon, Kolaba, Kolhapur, Nagpur, Nasik, Poona, Ratnagari, Sangli, Satara, Sholapur and Yeotmal) there are District Soldiers', Sailors' and Airmen's Boards of which the Collector is Chairman. These Boards have full-time Secretaries aided by a few clerks.

CHAPTER SEVEN

DEPARTMENTS AND OFFICES UNDER REVENUE AND FORESTS DEPARTMENT

(i) Divisional Commissioners and Collectors

Divisions and Districts

As mentioned in Chapter one, the State of Maharashtra is divided, for purposes of revenue and general administration, into four territorial Divisions, each under a Commissioner, viz. Bombay, Poona, Aurangabad and Nagpur, and these Divisions are divided into Districts, each under a Collector. The districts are further divided into talukas or mahals in Western Maharashtra and into tahsils in Vidarbha and Marathwada. Before proceeding further it is necessary to point out that Greater Bombay occupies a peculiar position in this delimitation of the State into divisions and districts. Part of Greater Bombay, consisting of the town and island of Bombay, or, as it is described in several statutes, the City of Bombay, constitutes, for purposes of revenue administration, a separate Collectorate which is not included in the Bombay Division. The rest of Greater Bombay, consisting of the suburban areas on Salsette and Trombay islands which were amalgamated by stages with the City for purposes of judicial, police and municipal administration, constitutes a district called the Bombay Suburban District which is included in the Bombay Division. The two Collectorates, viz. the Collectorate of Bombay and the Collectorate of Bombay Suburban District are held by the same officer, who is under the Divisional Commissioner only in his capacity of Collector, Bombay Suburban District. The existence of two Collectorates in Greater Bombay is the result of historical circumstances. The City of Bombay as a Presidency Town had, in the matter of judicial, police and revenue administration, a set-up which was radically different from that in other parts of the State. In matters of revenue administration, in particular, the City was not governed by the provisions of the Bombay Land Revenue Code, 1876, but by a separate statute applicable only to the City. When the suburban areas were unified with the City for judicial, police and municipal purposes, they were retained under the provisions of the Bombay Land Revenue Code, 1876, and, therefore, for purposes of revenue administration, a separate Collectorate had to be retained, and the jurisdiction of the Divisional Commissioner had to be continued. While, however, the City of Bombay falls outside the Bombay Division for purposes of revenue and general administration, it is treated for demographic and statistical purposes as part of Greater Bombay which, as a single unit, comes in Bombay Division. As mentioned in Chapter 1, Chanda District in Nagpur Division contains one tahsil, viz. Rajura, in which several of the

old Hyderabad laws continue to operate. In 1956 this tahsil was transferred from Hyderabad State to the Bombay State and attached to the Nanded District in the Aurangabad Division. The tahsil was, however, not geographically contiguous to the Nanded District and, for administrative convenience, it was in 1959 attached to the Chanda District in Nagpur Division. Owing to the difference in the land revenue and other laws between this tahsil and other parts of the district, it is treated in several respects as an independent Division and District, the Commissioner of Nagpur Division being *ex-officio* Commissioner of Rajura Division and the Collector of Chanda being *ex-officio* Collector of Rajura District. For demographic, statistical and other purposes, however, Rajura is treated as a tahsil in Chanda District.

Varied legal provisions applicable in the Divisions

The Divisional Commissioner exercises general control over the administration of his Division in all matters. He is invested with wide powers and functions which are embodied in different Acts, Manuals, Codes, Administrative Orders and Government Circulars. The Land Revenue Codes in Western Maharashtra, Marathwada and Vidarbha regions are different. The work of unification of different land revenue laws prevailing in the State is in progress. Similarly, the Municipal Acts, Agricultural Produce Market Acts and Tenure Abolition Acts are different in each Division. It cannot even be stated that all Central Acts are common to the whole State. The Central Court of Wards Act and the Central Land Acquisition Act, for instance, are not applicable to Marathwada area where the Hyderabad Court of Wards Act and the Hyderabad Land Acquisition Act are in force. Many ex-Bombay Acts, however, have been extended to Vidarbha and Marathwada after the formation of the bilingual State in 1956, and there are enactments like the Maharashtra Agricultural Lands Ceilings on Holdings Act, 1961, and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, which apply to the whole State.

History of appointment

Divisional Commissioners functioned in the former Madhya Pradesh and Bombay States prior to 1950 or so, but these offices were abolished in both the States. In Madhya Pradesh they were replaced by a Board of Revenue. In Bombay State, their functions in matters of local self-government were transferred to Divisional Directors of Local Authorities. In other matters some of their functions were transferred to the Collectors and others were taken over by the State Government, and the Collectors functioned directly under the State Government. The old Hyderabad State had a Board of Revenue on the lines of that functioning in Madras State. The increased tempo of development activities in various fields and other administrative requirements of the State made it necessary that a supervising, coordinating

and inspecting agency should be established at divisional level. Such agency was, therefore, created from 1st November 1956 and was designated as Divisional Officers. Later on these posts of Divisional Officers were replaced by the Divisional Commissioners from 3rd March 1958, when the Bombay Commissioners of Divisions Act, 1957, was brought into force.

Powers and functions

The Commissioners are the chief controlling revenue authorities for their divisions in all matters connected with land revenue and, in addition to the powers conferred on them by statute in such matters as police administration and local self-government, they also exercise extensive executive and administrative powers delegated to them from time to time by the various departments of the Secretariat. They have to pay coordination visits to the offices of other departments with particular reference to planning and development. The Commissioner is expected to inspect the offices of all the Collectors in his Division within a period of five years and all Taluka offices within a period of five years if the number of such offices is less than forty. He has to inspect every year 25 per cent of the borough municipalities and 20 per cent of the district municipalities whose income exceeds two lakhs a year. He has been authorised to depute his Deputy or Assistant Commissioners to inspect 25 per cent of borough municipalities and 20 per cent of the district municipalities with lower income. In Vidarbha, Class I and Class II municipalities are treated as borough municipalities and Class III, IV, V and VI municipalities as district municipalities. In Marathwada, city municipalities are treated as borough municipalities and town municipalities as district municipalities for the purposes of inspection. The Commissioner has every year to inspect all *Zilla Parishads* in his Division and, in addition, as many *Panchayat Samitis*, subject to a minimum of twelve, as may be necessary to cover all such bodies in the Division within a period of five years. Lastly, the Commissioner is expected to inspect as many offices of other departments within the Division as possible.

Office of Commissioner, Bombay Division

The Commissioner, Bombay Division, is assisted by one Deputy Commissioner (Development) in the Collector's grade and two Assistant Commissioners, Revenue and General, who are in the Deputy Collector's grade. The Deputy Commissioner (Development), assisted by a Head Clerk, supervises the work of the Development Section. The Assistant Commissioner (Revenue), assisted by a Chitnis, supervises the work of the Revenue and Registry Sections. The Assistant Commissioner (General) assisted by a Head Clerk, supervises the work of the General Section, Accounts Section and the Typing Section. He also supervises the work of the Special Officer for recovery of the Urban Immovable Property Tax. There is one Assistant Director of

Small Savings attached to the Commissioner's office who supervises the small savings organisation in the whole Division. There is one post of Divisional Supply Officer in the Deputy Collector's grade.

Offices of Commissioners, Poona and Aurangabad Divisions

The organisational set up of the offices of the Commissioners at Poona and Aurangabad is similar. Both of them have a Deputy Commissioner (Development), two Assistant Commissioners, Revenue and General, and a Reception Officer. There is one Deputy Director of Small Savings, one Special Officer for departmental inquiries, Bombay and Poona Divisions, one Deputy Collector of Sales Tax Recovery and one Divisional Supply Officer at Poona, while at Aurangabad there is one Assistant Director of Small Savings and one Officer on Special Duty for the recovery of excise arrears. Both these posts are in the Deputy Collector's cadre. There is one Mamlatdar for Sales Tax Recovery attached to the Aurangabad office.

Office of Commissioner, Nagpur Division

The Commissioner, Nagpur Division, has one Deputy Commissioner (Development), two Assistant Commissioners, Revenue and General, a Reception Officer, an Assistant Director of Small Savings, a Divisional Supply Officer and a Deputy Collector, Sales Tax Recovery, like other Commissioners. But he also has one Assistant Commissioner, Land Reforms, and a Judicial Mamlatdar which other Commissioners have not got. The Assistant Commissioner, Land Reforms, assists the Commissioner in the work at the Commissioner's level pertaining to the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, and the Ceiling on Holdings Act, 1961. He is required to tour in the districts for supervising and inspecting the work of the Tenancy Tahsildars and Naib-Tahsildars. He is also entrusted with the work about Land Acquisition in the office. It is sufficiently heavy as a number of projects are being established in the Division. The Mamlatdar (Judicial) assists the Commissioner in dealing with appeals and revisions under the Madhya Pradesh Land Revenue Code and other Acts. The Judicial Mamlatdar is also entrusted with the work relating to the allotment of Government accommodation at Nagpur both for residential and office purposes. Orders of allotment are passed by the Commissioner who is the Chairman of the Accommodation Committee constituted for the purpose. The Mamlatdar is also in charge of the work relating to the maintenance and supply of records of the ex-M.P. Government Secretariat Departments for the period 1920-1951 which are kept in the custody of the Commissioner, Nagpur Division. Matters relating to the division of dead stock articles of various Heads of Departments and M.P. Secretariat and distribution of surplus furniture are also looked after by him.

Charts

Charts showing the organisation of the offices of the Commissioners for the Bombay and Nagpur Divisions are appended. The chart for Bombay Division is more or less representative of the Poona and Aurangabad Divisions as well.

Collector of Bombay and Bombay Suburban District

The Collector of Bombay, who is also Collector, Bombay Suburban District, is an independent officer in his first capacity directly under the Revenue Department of the Secretariat, but in his second capacity he is, like the Collectors of other districts, under the Divisional Commissioner. Even in this second capacity his position is radically different from that of other Collectors in as much as he does not exercise the powers of a District Magistrate under the provisions of the Criminal Procedure Code or the Bombay Police Act, 1951. These powers are vested either in the Commissioner of Police, Bombay, or in the Chief Presidency Magistrate. Nor does he exercise any of the powers given to Collectors under the Bombay Municipal Boroughs Act, 1925, and the Bombay District Municipal Act, 1901. In several respects the Collector of Bombay is responsible for the administration of statutes which operate only in the City of Bombay. Such statutes are the Bombay City Land Revenue Act, 1876, and the Bombay City Survey Act, 1915. Similarly, in several respects, the Collector, Bombay Suburban District, exercises powers under statutes which operate in the suburban area of Greater Bombay but not in the City of Bombay. Such statutes include the Bombay Land Revenue Code, 1876, and other statutes relating to land tenure, survey and settlement, and limitation of holdings. In several matters the Collector of Bombay functions as a single authority with jurisdiction over the whole of Greater Bombay, i.e. for both the City of Bombay and the Bombay Suburban District. Such matters include the administration of the Bombay Entertainment Duty Act, 1923, the Bombay Betting Tax Act, 1925, the Bombay Lotteries, Prize Competitions Control and Tax Act, 1948, the Requisitioning and Acquisition of Immoveable Properties Act, 1952, and the Land Requisition Act, 1948, and the collection of the dues of the various departments of Government, including arrears of Sales Tax and Income Tax, when they are required to be recovered as arrears of land revenue. The Collector of Bombay is also responsible for issuing licences for the whole area of Greater Bombay under the Bombay Prohibition Act, 1949, the Dangerous Drugs Act, 1930, the Bombay Opium Smoking Act, 1936, the Medical and Toilet Preparations (Excise Duties) Act, 1955, the Bombay Drugs (Control) Act, 1959, and the Bombay Foreign Liquor Rules, 1953. He is assisted in this work by the Superintendent of Excise and Prohibition.

Officers under the Collector

Under the Collector is a Resident Deputy Collector for the City of Bombay and an Additional Collector in the Deputy Collector's grade for Bombay Suburban District. The Resident Deputy Collector, in addition to supervising the various sections of the Bombay City Collectorate, functions as Controller of Hotels and Lodging Houses in Greater Bombay, under the administrative control of the Urban Development and Public Health Department of the Secretariat, and also as Registration Officer for the preparation of electoral rolls for elections to Parliament and the State Legislature. The Additional Collector for Bombay Suburban District assists the Collector in the administration of the Bombay Land Revenue Code, 1879, and the Bombay Tenancy and Agricultural Lands Act, 1948, which is applicable to a few villages in the district. He also deals with the Salsette Estates (Land Revenue Exemption Abolition) Act, 1951, the Bombay Inferior Village Watans Abolition Act, 1958, the Police Patil Watan Abolition Act, 1962, the Bombay Personal Inams Abolition Act, 1952, and the Bombay Land Revenue Rules, 1921. It may be mentioned that, as a result of the industrialisation of the suburbs and the rapid population growth resulting from this industrialisation, there is a good deal of land acquisition work in the Bombay Suburban District. There are nine Special Land Acquisition Officers for the purpose functioning in the Town Planning and Valuation Department, including one for Highways, and they deal with cases of acquisition of lands for the State Government, the Central Government, the Maharashtra Housing Board, the Municipal Corporation, Railways as well as industrial concerns and public bodies. For the recovery of arrears of Income Tax there is a special Additional Collector and for the recovery of arrears of Sales Tax there is a Deputy Collector.

Other officers and staff

For the City of Bombay, there is a specialist officer designated as Superintendent, Bombay City Survey and Land Records, with a staff of Surveyors, Draftsmen and Computers, having responsibility for the maintenance of land records and the survey of lands. The collection of entertainment duty in Greater Bombay is the responsibility of the Supervisor, Bombay Entertainment Duty Act, who has a small establishment under him, including an Assistant, some Inspectors and a few Auditors. The rest of the work pertaining to the Bombay City Collectorate is done, under the control of the Resident Deputy Collector, in twelve sections or branches, some of which are under a Head Clerk and some under a Head Accountant. The Additional Collector for Income Tax Recovery has the assistance of a Head Clerk of gazetted rank and a Special Mamlatdar for supervision over outdoor staff. The Deputy Collector for Sales Tax Recovery has the assistance of three Mamlatdars. The establishment of the Bombay Suburban District Collectorate, in so far as it is separate from that of the Bombay City Collectorate, includes field staff for

Divisi
Supply

three talukas into which the district is divided, viz., Andheri, Borivli and Kurla. Each of these talukas has a Mamlatdar in charge.

Additional functions of Collector

The Collector of Bombay is the Chairman of the Bombay City Sailors', Soldiers' and Airmen's Board and the District Anti-Corruption Committee for Greater Bombay which devises and takes concerted measures to eradicate corruption from the administration. The Collector is also *ex-officio* Chairman of the Board of Management of the properties of the Indian Institute of Science, the Bombay Christian Burial Board and the Regional Employment Advisory Committee, Bombay. He is also a member of the Board of Trustees of the Prince of Wales Museum, the Greater Bombay Prohibition Committee, the Regional Posts and Telegraphs Advisory Committee, the Regional Telephone Advisory Committee, the Greater Bombay Development Plan Committee, the Beggars Act Advisory Committee and the Committee of Management of the Victoria Memorial School for the Blind.

Collectors of other districts: main duties

In respect of districts other than Greater Bombay, the Collector is the head of the revenue administration. His appointment is made under the relevant Land Revenue Code applicable to the Division in which his district is situated. He is responsible for the administration of the revenue laws and the successful implementation of a number of Acts of the Legislature and of the schemes under the Five-Year Plans. He has been vested with powers under various State and Central Acts which are in force in his district either by express provision in the Acts themselves or by delegation. These powers extend over many fields. If somebody wants to instal a rice mill, the Collector is the licensing authority under the Rice Milling Industry (Regulation) Act, 1958, which is a Central Act. If somebody wants a quarrying licence on Government land which is not under the charge of the Forest or the Buildings and Communications Department, the Collector is the competent officer for the purpose under the Bombay Minor Mineral Extraction Rules, 1955. The Collector also has been entrusted with functions under such Acts as the Bombay National Parks Act, 1950, the Bombay Lotteries (Control and Tax) and Prize Competitions (Tax) Act, 1950, and the Maharashtra Ancient Monuments and Archaeological Sites and Remains Act, 1960, to mention only a few at random. The Collector is also the District Magistrate of the district appointed by the State Government under section 10 of the Criminal Procedure Code, and, in this capacity, he is responsible for the maintenance of law and order, the prevention of nuisances and other allied matters under the Code, and has to supervise and control the work of the Executive Magistrates in his district. The district police force is under his control under the provisions of the Bombay Police Act, 1951. He has also to perform certain functions

in connection with passports, visas, domicile certificates, licences of arms, and licences under certain Acts like the Petroleum Act, Indian Explosives Act and Poisons Act.

Additional duties

Apart from his normal duties under the Land Revenue Code, the Criminal Procedure Code and the Bombay Police Act, the Collector has to attend to various other items of work, such as the distribution of foodgrains, seasonal unemployment, implementation of scarcity works, supervision of municipal administration, matters relating to ex-service men in his capacity as Chairman of the District Soldiers', Sailors' and Airmen's Board, supervision of district and taluka treasuries and the offices of the Sub-Registrars. He is also the Deputy Commissioner of Industries for his district. He is regarded as the principal executive head of the district in all matters. He maintains contact with the district officers of other departments by holding monthly coordination meetings. He is the chief link between the Government and the public. He is responsible for arrangements for elections to legislative bodies, municipalities, *Zilla Parishads*, *Panchayat Samitis* and village panchayats. He is the Chairman of the District Selection Committee for Class III and Class IV posts under the *Zilla Parishad*. He has to look to all emergency matters under the Defence of India Act and Rules. He attends to problems which crop up as a result of Government policies, like the welfare of goldsmiths affected by the Gold Control Order. The Collector's job is a heavy and difficult one but it is perhaps the best school of training in administration.

Touring and inspection

The Collector has to do a good deal of touring and carry out extensive inspections. The touring and halts prescribed for him are 120 days and 70 nights in a year. He is required to perform 50 to 60 ordinary village inspections and 20 special village inspections in a revenue year. While touring he is expected to ascertain the needs and problems of the villagers and take steps to redress their grievances. In districts having three or four Sub-Divisions or Prants, he has to take one taluka, mahal or tahsil from each Sub-Division for *jamabandi* audit and another for office inspection in such rotation that every taluka, mahal or tahsil in the district is visited either for *jamabandi* or for office inspection at least once in three years. In districts having two Sub-Divisions or less, he has to visit every taluka, mahal or tahsil at least once in two years. He has to inspect one Prant or Sub-Divisional office every year. The municipalities in the district are inspected by him or by a Prant Officer deputed by him.

Subordinate revenue officers

Each district is divided into two or three Sub-Divisions or Prants, under the charge of a Deputy or Assistant Collector. Each Sub-Division consists of

a few talukas or mahals in Western Maharashtra, each under the charge of a mamlatdar or a mahalkari as the case may be, and of a few tahsils in Vidarbha and Marathwada each under the charge of a tahsildar. Under each mamlatdar or tahsildar there are three or four Circle Inspectors or Circle Officers. Under each of these there are about six or seven talatis or patwaris.

Variations in set up of lower staff in different regions

The set up of the revenue offices in Vidarbha differs from that in Western Maharashtra and Marathwada. There is a clear-cut distinction between the executive staff and ministerial or clerical staff in Vidarbha. In Western Maharashtra recruitment of all subordinate staff is made at the level of clerks. Those clerks who pass the revenue qualifying examinations are eligible for promotion to the next higher grade of Awal Karkun. The Awal Karkuns perform both executive and ministerial duties and it is from their cadre that promotions are made to the posts of Taluka Officer or Mamlatdar. The posts of Mamlatdar are filled to the extent of 50 per cent by the promotion of Awal Karkuns. A select list of Awal Karkuns in each Division fit for promotion as Mamlatdar is prepared by a committee under the chairmanship of the Divisional Commissioner and is reviewed annually. The list is submitted to the State Government for adoption after consultation with the State Public Service Commission. The posts of Deputy Collectors in Western Maharashtra are filled to the extent of 50 per cent by direct recruitment and 50 per cent by promotion of Mamlatdars, half the vacancies reserved for appointments by promotion being reserved for directly recruited Mamlatdars. In Vidarbha direct recruitment of executive staff is made at the level of Naib Tahsildars. The posts of Naib Tahsildars are filled to the extent of 50 per cent by direct recruitment, 25 per cent by promotion from among first grade clerks and 25 per cent by promotion from among Revenue Inspectors. The posts of Tahsildars which are equivalent to those of Mamlatdars in Western Maharashtra are filled entirely by promotion from the cadre of Naib Tahsildars, and the posts of Deputy Collectors are filled to the extent of 50 per cent by promotion from Tahsildars and the rest by direct recruitment. There is separate ministerial staff in the Tahsil, Sub-Divisional and District Offices to deal with clerical work. A clerk is eligible for promotion to the post of Select Grade I Clerk, Assistant Superintendent and Superintendent in the Collector's office. Except for promotion to the cadre of Naib Tahsildars as indicated above, he is not transferable to an executive post. In Marathwada clerks are eligible for appointment as Revenue Inspectors, Awal Karkuns and Naib Tahsildars. The cadre of Naib Tahsildars is now filled by promotion only. The posts of Tahsildars and Deputy Collectors are filled to the extent of 50 per cent by promotion and the rest by direct recruitment.

Functions of Prant Officers

The Prant Officer is primarily an inspecting and supervising officer. In Western Maharashtra he is in charge of a Sub-Division consisting of two to six talukas and is assisted by a small office consisting of an Awal Karkun and three to six clerks. In Vidarbha a Sub-Divisional Officer is provided with a steno-typist and a Reader (clerk). The Prant Officer is expected to be on tour out of his headquarters for 210 days in a year. He inspects and audits the records of village officers, taluka offices and taluka accounts. He exercises all the powers of a Collector under the Land Revenue Code except those expressly reserved to himself by the Collector. He also has all the powers of the Collector under the Land Acquisition Act except that he cannot declare an award where the amount of compensation exceeds Rs. 20,000/-. The Prant Officer is also a Sub-Divisional Executive Magistrate under the provisions of the Criminal Procedure Code.

Functions of Mamlatdar or Mahalkari

The average area of a taluka in Bombay and Poona Divisions is 353 and 424 sq. miles, respectively. The average area of a tahsil in Aurangabad Division is 527 sq. miles while in Nagpur Division it is 753 sq. miles. In Maharashtra a few of the smaller territorial units are called Mahals and not Talukas, and are under the charge of Mahalkaris, while Talukas are under the charge of Mamlatdars. The Mamlatdar or Mahalkari in Western Maharashtra and the Tahsildar in Vidarbha and Marathwada is the chief executive officer of the area in his charge and he is responsible for its good administration. Apart from his revenue duties, he is responsible for the supply and distribution of foodgrains. He is also Taluka Executive Magistrate under the provisions of the Criminal Procedure Code. He is assisted by three to five Awal Karkuns and clerical staff in Western Maharashtra and Marathwada and by two or three Naib Tahsildars, Select Grade I Clerks and Junior Clerks in Vidarbha. The Naib Tahsildars work as functional as well as territorial assistants to the Tahsildars.

Circle officers

The taluka, mahal or tahsil is divided into Circles each in the charge of a Circle Officer in the Awal Karkun's cadre or Circle or Revenue Inspector, who is responsible for the supervision of the revenue administration and land records of every village in his Circle. He is expected to make a complete inspection of the records of every village in his Circle every year. He has to inspect all the village forms and get errors and omissions corrected. In Western Maharashtra, he supervises the work of talatis whose main duty until recently was to recover land revenue and other Government dues and maintain village accounts and certain statistics including vital statistics. In Marathwada, the

Circle Inspector or Girdawar supervises the work of the talatis, viz. collection of land revenue, *jamabandi* and other items of village administration. In Vidarbha, the Revenue Inspectors supervise the work of patwaris. The talatis and the patwaris have been transferred to *Zilla Parishads* with effect from 1-1-1963, and they are designated as Assistant Gram Sevaks. The Circle Inspectors are, however, still Government servants and they inspect the accounts of the talatis and patwaris.

Organisation of offices of Collectors

The organisation of the offices of the Collectors follows more or less a uniform pattern. Two representative charts showing the organisation of the Collectorates of Thana and Nagpur are appended. They will show that the work done at the Collectorate is exceedingly varied. The Collector of Thana is assisted by a Resident Deputy Collector in the work which is dealt with in seven branches. The Chitnis and the Additional Chitnis of the rank of Mamlatdar look after two branches connected with the administration of the revenue offices in the district, land and land revenue, *tagai*, survey and settlement, Civil Court awards, stamp accounts, ex-servicemen and general administration, the Additional Chitnis being specially concerned with the implementation of the Bombay Tenancy and Agricultural Lands Act and various land tenure abolition Acts. The General Branch under a Head Clerk of the rank of Mamlatdar looks after the rehabilitation of displaced persons, the maintenance of records and many other matters like municipalities and excise. The Collector grants free timber to the sufferers from fire and other natural calamities and disposes of trees in Inam lands. He has certain functions to perform about Government buildings, epidemics, cattle census, weather and crop reports and forecast returns about the crops grown in his district. The Deputy Chitnis looks after the branch dealing with law and order, arms licenses, visas and passports, control over cinema houses and entertainment duty. The work of other branches like Election Branch, Accounts Branch and Small Savings Branch and of officers like Deputy Collector, Sales Tax Recovery, and District Supply Officer does not need explanation. As regards the Nagpur Collectorate, a few explanations are necessary. The Finance Section deals with establishment and accounts matters. The Nazul Section deals with matters relating to Government lands, called Nazul Lands, which are used for building purposes or public purposes like roads, markets and recreation grounds. One of the Deputy Collectors is appointed as Rent Controller for Nagpur and Kamptee towns by the Collector under the C.P. and Berar Letting of Houses and Rent Control Order, 1949. He fixes fair rents and allots vacant houses to Government servants, servants of the Electricity Board and evicted or displaced persons. The Resident Deputy Collector hears and decides appeals against the orders of the Rent Controller passed under Chapter II of the Order. The Public Relations Officer is the coordinating link between the administration at the district level and the public. The people

approach him for inquiries in connection with the district revenue administration as well as for their complaints and grievances and he helps them in speeding up the disposal of their cases. He looks after work connected with defence as well as with visits of the V.I.P.s.

(ii) Settlement Commissioner and Director of Land Records

Functions

The Settlement Commissioner and Director of Land Records with headquarters at Poona is an officer of the rank of Divisional Commissioner who is in charge of : (a) the preparation and maintenance of the Record of Rights which provides authoritative evidence of title to land; (b) the organisation and conduct of village site and city surveys, including the up-to-date maintenance of all village maps and their printing, sale and distribution; (c) the conduct of all the periodical revenue settlement operations in the State; and (d) the training of Mamlatdars, Deputy Collectors and Assistant Collectors in survey and settlement matters. The City of Bombay is excluded from his jurisdiction, the corresponding responsibility being entrusted to the Collector of Bombay. The work of the Department extends to special surveys for private individuals and public authorities, the inspection and repair of boundary marks, the rationalisation of rates of assessment in villages belonging to the former Indian States and in ex-Jahagir villages in Marathwada. The Settlement Commissioner is also in charge of the Alienation Office at Poona which deals with inam lands which are wholly or partially exempted from the payment of land revenue. The Alienation Office is also the repository of the records of the old Peshwa regime and of the Inam Commission appointed soon after the establishment of British rule in the Peshwa territories to investigate titles to estates of Inamdars. Also in the Alienation Office is kept the Register of Land Alienation. An additional responsibility which has been entrusted to the Settlement Commissioner and Director of Land Records is the implementation of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

Staff at headquarters

The Settlement Commissioner and Director of Land Records is assisted at headquarters by three Superintendents of Land Records, designated as Assistant Settlement Commissioner (General), Assistant Settlement Commissioner (Consolidation) and Assistant Settlement Commissioner (Metric). There are an Organisation and Methods Officer and two Office Superintendents under the Assistant Settlement Commissioner (General) and two Assistant Consolidation Officers under the Assistant Settlement Commissioner (Consolidation). One Office Superintendent is in charge of the Establishment and Land Records Section. Another Office Superintendent looks after the Accounts

Section. The Organisation and Methods Officer is in charge of the Registry and the Record and Typing and Despatch Sections. One Assistant Consolidation Officer under the Assistant Settlement Commissioner (Consolidation) looks after city surveys, settlement and consolidation scheme work of Satara, Poona, Ahmednagar, Kolhapur and Dhulia districts, and supervises the regional typing section. The other Assistant Consolidation Officer looks after administration work and consolidation scheme work of the remaining districts. The Annual Administration Report of the Land Records Department and the Five Year Plan programme may be mentioned among the items dealt with in the Administration Section. The Assistant Settlement Commissioner (Metric) has been appointed to do the spade work for the introduction of the metric system of measures and for the revision of the laws, rules and manuals on that account. He is assisted by three clerks. The Assistant Settlement Commissioner (General) is also in charge of the Alienation Office. He is assisted by one Head Clerk and other ancillary staff.

Field staff for survey and settlement

As regards the field staff for settlement and land records work in Western Maharashtra there are four Superintendents of Land Records, directly under the Settlement Commissioner and Director of Land Records, one in charge of Poona Circle, corresponding to the Poona Revenue Division, one in charge of Nasik Circle, corresponding to the Bombay Revenue Division excepting Bombay Suburban District, one in charge of Bombay Suburban District, and one stationed at Poona in charge of clearance of arrears of Pot Hissa measurement in Western Maharashtra. There is a District Inspector of Land Records for each of the districts of Poona, Sholapur, Ahmednagar, Sangli, Satara and Kolhapur, and there is one post of Additional District Inspector of Land Records at Poona for Land Acquisition work. All these Inspectors work under the Superintendent of Land Records, Poona Circle, Poona. The Superintendent of Land Records, Nasik Circle, Nasik, has six District Inspectors for Nasik, Thana, Kolaba, Ratnagiri, Dhulia and Jalgaon districts and one Enquiry Officer at Ratnagiri for City Survey work. The Superintendent of Land Records, Bombay Suburban District, has under him three District Inspectors, one for the regular Land Records work and two in charge of the special work of introduction of City Survey in the district. There are also under the Superintendent eight Enquiry Officers in the grade of District Inspector of Land Records entrusted with the work of City Survey enquiry in the district. The Superintendent of Land Records for Pot Hissa Survey at Poona has four Survey Mamlatdars under him, one posted at Poona, one at Nasik and two at Ratnagiri. The District Inspectors of Land Records are in several respects under the supervision of the Collectors of the districts to which they are attached, as their day-to-day work is intimately connected with the levy and collection of land revenue and the maintenance of village records. The Superintendents of Land Records are

mainly inspecting officers. For field work relating to settlement and land records in Vidarbha and Marathwada, intervening between the Superintendents of Land Records and the Settlement Commissioner and Director of Land Records is a Deputy Director of Land Records at Nagpur. Under him are two Superintendents of Land Records in charge of Nagpur and Aurangabad Circles. There are eight District Inspectors of Land Records for Nagpur, Wardha, Yeotmal, Buldhana, Akola, Bhandara, Amravati and Chanda districts who work under the Superintendent of Land Records, Nagpur Circle, but their position is somewhat different from that of District Inspectors in Western Maharashtra. As the separation of survey and settlement work from ordinary land revenue work has not progressed equally far in Vidarbha, the District Inspectors of Land Records do not have independent offices in the eight Vidarbha districts. They are treated as part of the establishment under the Collectors. In addition to the eight District Inspectors of Land Records, there is a Survey Mamlatdar at Chanda for the survey and classification of unsurveyed villages in Chanda, Amravati and Buldhana districts under the control of the Superintendent of Land Records, Nagpur Circle. The Superintendent of Land Records, Aurangabad Circle, has five District Inspectors of Land Records for Aurangabad, Nanded, Bhir, Osmanabad and Parbhani districts. There is one Survey Mamlatdar at Nanded for special work of re-survey and classification of Kinwat Tahsil and Rajura Tahsil (which, though a part of Chanda District, is governed by the same land revenue laws as Marathwada). There are two other Survey Mamlatdars, one at Bhir and one at Nanded, for clearing arrears of Pot Hissa measurement work in Marathwada under the control of the Superintendent of Land Records, Aurangabad.

Field staff for consolidation

For work relating to consolidation of holdings under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, there are twelve Consolidation Officers of the rank of Superintendent of Land Records posted at Poona, Ahmednagar, Satara, Sangli, Kolhapur, Sholapur, Nasik, Jalgaon, Dhulia, Aurangabad, Nagpur and Akola. Each Consolidation Officer has the assistance of four to five Assistant Consolidation Officers of the rank of District Inspector of Land Records. A special staff of about 700 surveyors, nimitdars, circle inspectors, clerks, etc., are engaged on the work, which involves the preparation of detailed schemes for the rationalisation of agricultural holdings by forming compact blocks out of fragmented holdings in consultation with the holders through a process of exchange without, as far as possible, depriving any owner of his land.

Advisory committees

There are no statutory bodies working under the control of the Settlement Commissioner and Director of Land Records, but there is an Advisory Committee for the Alienation Office with the Settlement Commissioner and

Director of Land Records as Chairman and three official and four non-official members. The functions of the Committee are to advise the Settlement Commissioner and Director of Land Records (Alienation Office), Poona, and the Director of Archives and Historical Monuments, Bombay, in regard to the admission of research scholars to the Alienation Office and in regard to the preservation and publication of the records therein. The meetings of the Committee are convened by the Chairman as and when special items are to be discussed. The activities of the research staff in the Alienation Office are conducted according to the advice given by the Committee. These activities are made known to the members of the Committee through monthly progress reports.

Chart

A chart showing the organisation of the Department is appended.

(iii) Inspector General of Registration

Functions and powers

The principal function of the Registration Department is the registration of documents under the Indian Registration Act, 1908. The object of registration is to check forgeries and fabrication, to give publicity to dealings in land, to provide conclusive guarantee of the genuineness of documents and to ensure security of title deeds. The Settlement Commissioner and Director of Land Records is *ex-officio* Inspector General of Registration, with jurisdiction over the whole State of Maharashtra. He inspects the subordinate offices of the Department, makes appointments and transfers of non-gazetted staff, puts up proposals for opening or closing up offices to Government and exercises all the powers with which he is invested under the Indian Registration Act. The Inspector General of Registration is also the Chief Controlling Revenue Authority under the Bombay Stamp Act, 1958, and the Bombay Court Fees Act, 1959, for the whole State, except Greater Bombay, which has a separate Superintendent of Stamps invested with the powers of Chief Controlling Revenue Authority. He is also the Chief Controlling Stamp Authority under the Hyderabad Stamp Act for Marathwada. He has to decide appeals against the orders of the Collectors and supervise and inspect their work under these Acts. He issues instructions from time to time to the Sub-Registrars in the State regarding registration procedure as well as stamp matters. The Inspector General of Registration is also the Registrar General of Births, Deaths and Marriages for the State, but in this capacity he comes under the jurisdiction of the Urban Development and Public Health Department of the Secretariat and not the Revenue and Forests Department. He is required to maintain records, registers and indices under the Births, Deaths and Marriages Registration Act, 1886, the Parsi Marriage and Divorce Act, 1936, the Special Marriage Act, 1954,

the Bombay Registration of Marriages Act, 1953, and the Indian Christian Marriage Act, 1872. He exercises general superintendence over the Registrars of Births and Deaths, Marriage Officers in the districts and Registrars of Marriages. He grants certified copies of extracts from records maintained under the various Acts, hears appeals and exercises all other powers conferred on him under the Acts mentioned above.

Headquarters establishment

The Inspector General of Registration has one Deputy Inspector General of Registration, a Personal Assistant, an Office Superintendent and five Sub-Registrars to help him in his office. There are ten sections in the office as follows :

- Administration;
- Stamps and Departmental Enquiry;
- Inspection (evasion of Court fee and Stamp fee);
- Establishment;
- Accounts, Budget and Record;
- O & M Section;
- Births, Deaths and Marriages;
- Administration of Government Photo Registry;
- Administration of the Bombay Registration of Marriages Act as well as despatch work;
- Typing.

Field Organisation

As regards the field organisation, the State is divided into Registration Districts which are generally co-extensive with the revenue districts, the Rajura Tahsil of Chanda District being treated for this purpose as a separate registration district. Greater Bombay is divided into two registration districts, one for Bombay City, i.e. the town and island of Bombay, and the other for Bombay Suburban District. The Collectors of the districts, including the Collector, Bombay Suburban District, and the Collector of Rajura, but not including the Collector of Bombay in respect of Bombay City, are *ex-officio* District Registrars. For the registration district of Bombay City the Assistant Superintendent of Stamps is *ex-officio* District Registrar.

The Collectors, as District Registrars, are declared as Heads of Offices and as estimating officers for budget purposes. They are the immediate superiors

of the Sub-Registrars and the staff under them working in the districts. The District Registrars are also Registrars of Births and Deaths. In the several registration districts, excluding Bombay City, there are 216 Sub-Registry Offices. Each Sub-Registrar in Western Maharashtra is *ex-officio* Registrar of Parsi Marriages. The Sub-Registrars at the headquarters of each district are also Marriage Officers under the Special Marriages Act, 1954, and Registrars of Births and Deaths under the Births, Deaths and Marriages Registration Act, 1886, for their respective districts in Western Maharashtra. In this area the Sub-Registrars also perform the duties of Marriage Registrars under the Bombay Registration of Marriages Act, 1953. This Act is at present applicable only to urban areas, viz. municipal areas, cantonments and district, taluka and mahal headquarters. The Special Marriages Act, 1954, is in force throughout the State. In Vidarbha the Collectors and in Marathwada the District Magistrates function as Marriage Officers for their districts under this Act.

For the registration district of Bombay City, there is under the Assistant Superintendent of Stamps as District Registrar a Sub-Registrar, assisted by three Joint Sub-Registrars. The Sub-Registrar has been invested with all the powers of a District Registrar, except the power to hear appeals under section 72 of the Indian Registration Act, 1908, against an order passed by himself as Sub-Registrar. The office of the Sub-Registrar serves also as the office of the District Registrar.

There are seven Divisional Inspectors of Registration for the State. The Inspectors inspect the work of the Sub-Registrars from the technical point of view. For this purpose they are required to tour throughout the year within their respective jurisdictions. They guide the Sub-Registrars in their work and the Inspector General of Registration knows from their inspection reports the general state of affairs of Sub-Registrars and the work of individual Sub-Registrars. The Deputy Inspector General of Registration is responsible for field work regarding the checking of evasion of court fees and stamp fees, with the assistance of one Inspector of Stamps and one Sub-Registrar of Stamps.

Government Photo Registry, Poona

Documents received for registration in the offices to which the photocopying system is extended under section 70-C of the Indian Registration Act, 1908, are photographed in the Government Photo Registry at Poona by preparing a film negative and a print. The films are stored in the Government Photo Registry Office, and the prints, which are returned to the Sub-Registrars concerned, constitute the records of the Sub-Registry offices. The Government Photo Registry Office also undertakes the work of photography from private persons, research scholars, institutions and other Government Departments, on payment of fees. The Photo Registry is under a Manager, who is assisted by an Assistant Manager and other technical staff.

(iv) Superintendent of Stamps

Stamp Office for Greater Bombay

In the districts, the sale of stamps of all kinds is the responsibility of the office of the Collector, but in Greater Bombay, in view of the large volume of work involved, there is a separate office under a Superintendent of Stamps which is responsible for the storage and supply of stamps, such as postage stamps, service postage stamps, court fee stamps, revenue stamps, stamps for tobacco excise and entertainment duty and various other stamps and stamp papers and excise labels prescribed under various Acts. The Collector of Bombay is *ex-officio* Superintendent of Stamps and he is invested with the powers of Chief Controlling Revenue Authority for Greater Bombay under the Bombay Stamp Act, 1958, and the Bombay Court Fees Act, 1959. While the Superintendent of Stamps is responsible for storage and supply of stamps under the Indian Stamp Act, 1899, for the whole of Greater Bombay, he has powers as Chief Controlling Revenue Authority under the Indian Stamp Act, 1899, in the town and island of Bombay only. In Bombay Suburban District, these powers are exercised by the Inspector General for Registration.

Duties

The duties entrusted to the Superintendent of Stamps include the adjudication of stamp duty on various documents submitted to his office under Chapter III of the Bombay Stamp Act, 1958, and the Indian Stamp, 1899, the recovery of deficit duties and penalties on impounded documents under Chapter IV of the Bombay Stamp Act, 1958, and the Indian Stamp Act, 1899, the recovery of deficit probate duties under sections 25, 27 and 28 of the Bombay Court Fees Act, 1959, the refund of Court Fee under sections 21 and 22 of the Act, keeping a watch over the collection of stamp duties leviable under the Bombay Stamp Act, 1958, on transactions in commodities like cotton, oilseeds, yarn, spices and in shares and checking the statements of sales, refunds and discount granted to vendors in the districts and granting refund of stamps. He also scrutinises the indents for postal stamps placed by the treasuries and sub-treasuries of the State and forwards them to the Controller of Stamps, Nasik Road, for direct supply of stamps to the treasuries and sub-treasuries. In regard to non-postal stamps, the Superintendent of Stamps consolidates the forecasts of requirements for the whole State and makes the necessary indent to cover the full requirement.

Structure of Office

The Superintendent of Stamps has the assistance of an Assistant Superintendent of Stamps and two Deputy Assistant Superintendents of Stamps. The Assistant Superintendent of Stamps and, in his absence, the Deputy Assistant Superintendent of Stamps have been appointed as the

"Collector" for the purpose of the Stamp Acts and the Bombay Court Fees Act.

Distribution of work

There are six branches in the Stamp Office, viz. the General Branch, the Adjudication and Probate Branch, the Clearance Lists Branch, the Accounts Branch, the Stores Branch and the Sales Branch. The General Branch looks after establishment, record and stationery, checking the stocks of vendors, inward and outward registers and typing. The Adjudication and Probate Branch looks after adjudication and probate work. The Clearance List Branch supervises clearance list work and watches the collection of stamp duty on share and forward market transactions. There are four Inspectors in this branch who check the account books of the members of the various associations formed for the purchase and sale of stocks, shares, securities, bullion and commodities like cotton and oilseeds for discovering evasions of stamp duty and levying penalty. The Accounts Branch looks after refund and exchange of stamps, bills and budget, outside checking and challan work. Outside checking refers to the weekly checking of stamps of the vendors posted at the various vending places in the City. Challan work includes crediting the amounts received from the public in the Reserve Bank of India and issue of stamps on the strength of challans received from district treasuries. The Stores Branch looks to the stocking and issue of stamps to the vendors and scrutiny of indents. The Sales Branch is concerned with the sale of stamps, and maintenance of cash books and weekly and monthly accounts of sales.

(v) Controller of Accommodation

Functions and powers

The Controller of Accommodation, who is *ex-officio* Under Secretary to Government in the Revenue and Forests Department, deals in his latter capacity with the administration of the Bombay Land Requisition Act, 1948, throughout the State and Chapter III of the C. P. and Berar Letting of Houses and Rent Control Order, 1949, in the Vidarbha region. He also administers Chapter VI of the Defence of India Act, 1962. As Controller of Accommodation all matters like requisitioning, allotment, payment of compensation, and repairs pertaining to requisitioned premises located in Greater Bombay under these Acts are dealt with by him. Representations to Government regarding requisition orders are also dealt with by the establishment under the Controller, which is known as Revenue and Forests Department (Accommodation). As Government has stopped entirely the requisitioning of new vacancies in residential premises in Greater Bombay as a matter of policy, excepting requisitioning of residential premises vacated by Chinese nationals, the activities of the Department are now limited to the

control of premises already requisitioned, including payment of compensation to landlords and allotment of vacant premises in the requisitioned pool to Government servants. Requisitioning of non-residential premises required for civil supplies and cooperative purposes was all along being done through this Department and continues to be so done. Requisitioning under the Defence of India Act, 1962, is also being done by this office in Greater Bombay.

Structure of office

The Controller of Accommodation is an officer in the cadre of Deputy Collectors and is assisted by an Assistant Controller and a Compensation Officer. There are seven branches in his office, three of which deal with requisitioning, recovery, eviction, repairs and release of the requisitioned premises in South Bombay, Central Bombay and North Bombay and Suburbs. The Establishment and Allotment Branch deals with establishment, budget, stationery, allotments and policy matters. The Compensation Branch deals with all district appeal cases regarding requisitioning, compensation and passing of awards. The Accounts Branch deals with maintenance of accounts, ledgers of allottees and landlords, office pay bills and contingencies. The Registry, Record and Typing Section consists of one Enquiry Officer, besides other staff. The Enquiry Officer looks after public enquiries.

(vi) Forest Department

Functions

The main functions of the Forest Department, which has a forest area of 63,513 square kilometres under its control, are :

- (i) the protection, conservation and development of forests, prevention of soil erosion and increasing soil fertility;
- (ii) the exploitation and utilisation of forests so as to obtain the maximum yield consonant with their permanent maintenance; this includes the framing of working plans for the scientific management of forests and construction of roads for opening up remote and inaccessible forest areas; and
- (iii) the conduct of research into silviculture, utilisation and other problems affecting the regeneration and development of forests.

Statutory provisions relating to forests

The constitution, conservation, management and exploitation of forests are governed by the Indian Forest Act, 1927, and the rules framed thereunder both by the Government of India and the State Government in

exercise of the powers conferred on them. The integrated areas which were outside the old Bombay State before the re-organisation of States in 1956 continue to be governed by the rules which were in operation before integration. In addition, officers of the Forest Department have to enforce provisions of some other statutes in forest areas like the Land Revenue Codes and the Criminal Procedure Code.

Wild life preservation

Wild life is a valuable natural resource. Apart from bringing income to the State by their hides, pelts, skins, tusks and teeth, wild creatures provide a service that we often fail to appreciate because it is not obvious. They contribute to the natural balance that helps to keep forests in good condition. Without regulation, this valuable resource will be extinguished in course of time. Government has, therefore, enforced, with effect from 1st May 1953, the Bombay Wild Animals and Wild Birds Protection Act, 1951, which aims at conserving wild life and also keeping in check wild birds and animals which are a danger to human life and agricultural crops. Responsibility for implementing this Act has been entrusted to the Forest Department.

Transfer of village forests and grazing lands to Zilla Parishads

Under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, village forests and grazing lands (including measures for development of village woodlands for purposes of pasture and fuel) are allotted to the Zilla Parishads. Interest-free loans and subsidies are admissible to the village panchayats for carrying out afforestation and development of grazing lands belonging to the villages. The scheme is to be worked by the village panchayats themselves. The role of the Forest Department is limited to giving technical advice and financial assistance. No staff has been transferred from the Forest Department to the Zilla Parishads for the purpose.

Organisation of Department: Headquarters

At the head of the Department is the Chief Conservator of Forests, with his headquarters at Poona. He is the technical adviser to Government in forest matters and he is also *ex-officio* Wild Life Preservation Officer under section 4 of the Bombay Wild Animals and Wild Birds Preservation Act, 1951. He has the assistance at headquarters of an Additional Chief Conservator of Forests and of a Conservator of Forests, Headquarters. In addition, there are an Assistant to the Chief Conservator of Forests and an Officer on Special Duty in Class I scale, an Organisation and Methods Officer and a Forest Statistician in Class II scale, and a Personal Assistant and two Superintendents of gazetted rank. The Assistant to the Chief Conservator, with the help of the Personal Assistant and the O. & M. Officer are responsible for four branches dealing with non-gazetted establishment, gazetted establishment, office

establishment and accounts, and the registry and records. One Superintendent is responsible for three branches concerned with sales and contracts, supply of timber, civil suits, *maliki* and *inam* lands, fodder, etc., the Annual Administration Report and other miscellaneous matters. The Officer on Special Duty attends to the work in connection with Forest Labourers Cooperative Societies. The Conservator of Forests at Headquarters is responsible for four branches and has the assistance of a Superintendent. These branches deal with publications, printing, clothing and stores, wild life preservation, plan schemes and budget, forest research, buildings and communications, research work and working plans. These last are concerned with the programme of the working of the forests in the State for the next twenty years. There is a Statistician in charge of forest statistics. He furnishes the statistical material for the Annual Administration Report.

Territorial Circles

The State is divided into six territorial Circles, each under a Conservator of Forests, viz. Nasik, Thana, Poona, Amravati, Nagpur and Chanda. The Conservators of Forests are responsible for the supervision of all forest works in their charges and the control of establishment and of expenditure. The territorial Circles vary in size, according to the concentration of forest areas, from a single revenue district, as in the case of Chanda Circle, to two whole revenue divisions, as in the case of the Poona Circle, which comprises the Poona as well as Aurangabad Divisions.

Divisions

Each Circle is divided into six to ten controlling charges known as Divisions or Independent Sub-Divisions according as they are under a Divisional Forest Officer or a Sub-Divisional Forest Officer. There are forty Divisions and five Independent Sub-Divisions in all in the six territorial Circles. The Divisions and Independent Sub-Divisions again vary considerably in extent from about 900 to 2,600 square kilometres. The Divisional Forest Officers and Sub-Divisional Forest Officers in charge of Independent Sub-Divisions arrange for the exploitation, regeneration and protection of forests within their charges according to sanctioned working plans. They conduct sales, enter into contracts, supply material to departments and the public, realise revenue and control expenditure. They deal finally with forest offences. In some Divisions, the Divisional Forest Officer has the assistance of one or more Sub-Divisional Forest Officers who are in Class II service. In other Divisions and in the Independent Sub-Divisions the Divisional Forest Officers or the Sub-Divisional Forest Officers are in sole charge.

Ranges and Beats

Each Division and Independent Sub-Division is divided into five to ten executive charges called Ranges which are from 200 to 400 square kilometres

in extent. Each Range is divided into four to eight executive charges called Rounds which are 50 to 250 square kilometres in extent, and each Round is divided into three to five protective charges called Beats which are 18 to 20 square kilometres in extent. In executive charge of Ranges are Rangers in Class III service. In charge of Rounds are Round Officers or Foresters and in charge of Beats are Beat Guards, who are the lowest forest subordinates. Rangers are responsible for carrying out, with the help of their Round Officers and Beat Guards, and according to the orders of the Divisional Forest Officer, all works in their charge, viz. the marking, reservation, girdling and felling of trees, transport of timber and fuel to the depots, sowing, planting and other silvicultural operations, construction of roads, buildings and wells, protection of forests and investigation of important offences, supervision of removal of forest produce by purchasers and by right and privilege holders, expenditure on departmental works, submission of accounts to the Divisional office and issue of passes and permits. The duties of Round Officers or Foresters include investigation of offences, issue of transit and other passes, collection of compensation for offences, preservation of standards in coupes and inspection of forests. The Beat Guards patrol and protect forests in their charge, repair and maintain boundary marks, prevent illicit cutting and transgression of rights and privileges by villagers, detect and report illicit shooting, submit first reports of offences and carry out silvicultural works.

Working Plans Circle

The preparation of systematic plans for the working of forests, including development programmes, was formerly the responsibility of the territorial Circles, which included, or shared the services of, self-contained Working Plan Divisions. The work is now done in a separate Working Plan Circle with headquarters at Poona. The Circle contains eight Working Plan Divisions each under a Divisional Forest Officer.

Specialist officers

Work in respect of engineering and utilization is attended to by the Forest Engineer and the Forest Utilization Officer, respectively. The Forest Engineer is posted at Nagpur with two Deputy Forest Engineers under him, one at Poona and one at Nasik. Forest engineering includes the preparation of designs and estimates and the construction of roads, bridges, buildings and other engineering works of the Forest Department. The Forest Engineer advises the Department about the most suitable forms of mechanical extraction and transport of timber and assists in their introduction and successful working. The erection of saw mills and technical supervision over their working is part of his duties. The Forest Utilization Officer has his own office at Poona. He is entrusted with the utilization of forest produce in trade and industry. He looks after air and kiln seasoning of wood, wood preservation and timber testing.

He keeps in touch with industries like paper pulp, ply-wood, straw boards, and fibre boards which depend upon forest produce and helps to supply their requirements. Another important officer of the Department with a separate office at Poona is the Silviculturist. He is concerned with the improvement of growing trees and soil fertility, the introduction of new species of valuable trees and the afforestation of non-agricultural and treeless lands. He has to carry out a good deal of research in all these matters.

Service structure

The gazetted officers of the Forest Department belong to the Maharashtra Forest Service which is divided into Class I and Class II. There are a few posts in the Department belonging to the Maharashtra Forest Engineering Service and the General State Service. The Class I posts of the Maharashtra Forest Service are filled by promotion from Class II. Class II officers are appointed either by direct recruitment through the Public Service Commission on the results of a competitive examination or by promotion of Rangers in Class III service. Direct recruits have to undergo a two years' training course at the Forest College at Dehradun and forfeit their appointments if they do not complete the course successfully. Rangers are appointed by the Chief Conservator of Forests either by direct recruitment or by promotion. Foresters are appointed similarly by the Conservators. The Beat Guards are appointed by the Divisional Forest Officers. There is a forestry school at Chanda for training Foresters and there is a school at Bordi for training Forest Guards. The courses are for one year and six months respectively. It is proposed to shift the school at Bordi to Shahapur.

Nature of contacts with public

The Chief Conservator and the six territorial Conservators are mainly controlling officers and they do not usually come in contact with the public in the course of day to day administration. It is the Divisional and Sub-Divisional Forest Officers and more specially the Rangers, Foresters and Beat Guards who come in close contact with the public, as it is primarily those officers whom contractors have to approach in connection with various transactions connected with their contracts and the villagers in connection with the exercise of their privileges in the forests, such as dead wood for their fuel, small wood for agricultural implements and free grants to sufferers in floods and fires. Free grazing in open forests is also allowed under passes issued by the Revenue Department for village cattle of forest and non-forest villages and non-village cattle, i.e. cattle of professional graziers and cattle which do not remain in one village.

Relations with Adivasi residents in forest areas

There are two million Adivasis living in the forests. In order to improve their economic condition Government has fixed minimum wages to be paid

to them by the forest contractors and others who have to employ labour in the forests. Adivasis are also being encouraged to form cooperative societies and forests coupes are allotted to these societies at fixed prices. The object underlying this policy is that the Adivasis and other forest labourers should not only get fair wages but also the profits out of coupe contracts. Minor forest produce such as gum, shikakai, bamboo, honey, apta and tembhurni leaves is allotted to cooperative societies at concessional prices with a view to encouraging village industries and cooperative efforts.

Wage Boards and Transport Advisory Committee

There is a Wage Board constituted under Government orders for each Conservator's Circle for fixation of rates for various operations in the exploitation of coupes allotted to the Forest Labourers Cooperative Societies. The Board is also required to recommend daily wage rates for sanction of Government. The Conservator of the Circle is the Chairman and one representative of the Forest Labourers Cooperative Societies of the Division nominated by the Registrar of Cooperative Societies, two representatives of approved Forest Contractors' Associations or, in their absence, two contractors to be nominated by the Conservator of Forests, and the Divisional Forest Officers in the Circle are members. The decision of the majority is final but, in case where the Chairman of the Board differs from the decision of the majority, the final decision rests with the Chief Conservator of Forests. There is also a Transport Advisory Committee to ensure smooth and quick movement of forest produce by rail and to solve transport problems of the Department. The Chief Conservator of Forests is the Chairman of the Committee. There are three members representing the Central, Western and Southern Railways. The Forest Utilization Officer, Poona, is the Secretary of the Committee.

Chart

A chart showing the organisation of the Department is appended.

CHAPTER EIGHT

DEPARTMENTS AND OFFICES UNDER AGRICULTURE, FOOD AND COOPERATION DEPARTMENT

(i) Agriculture Department

Head of Department

At the head of the Agriculture Department is the Director of Agriculture. Owing to the expansion of the activities of the Department, an Additional Director of Agriculture has recently been appointed to share some of the responsibilities of the Director for agricultural activities in the State. The Director and Additional Director are assisted at headquarters by four Joint Directors of Agriculture.

Subjects assigned to Additional Director

The Additional Director of Agriculture has been entrusted with the following subjects :

- (a) utilisation of irrigation potential in the State in general and the package programmes for the command areas of the Gangapur and Ghod Irrigation Projects in particular;
- (b) fertilizers and the development of local manurial resources;
- (c) seed multiplication farms and seed multiplication and distribution in general;
- (d) plant protection;
- (e) intensive cultivation blocks, crop competitions and evaluation;
- (f) package programmes for intensive agriculture in selected districts, including that for Bhandara District;
- (g) sugarcane and oilseeds development schemes;
- (h) agricultural information and publicity.

Joint Director, Agricultural Education

One of the Joint Directors of Agriculture looks after collegiate education, statistics, planning and accounts. There are six Government Agricultural Colleges in the State at Nagpur, Akola, Parbhani, Poona, Dhulia and Kolhapur and there is one private Agricultural College at Amravati. Facilities for training in post-graduate courses have been provided at Poona and Nagpur

Agricultural Colleges. The Statistics Division is under the Agricultural Statistician who also is in charge of the planning branch headed by a Deputy Director of Agriculture which deals with planning and plan implementation. He is assisted by two Deputy Statisticians and nine Assistant Statisticians at headquarters. The Agricultural Statistician organises, directs and supervises the work of crop estimation, *ad-hoc* surveys and pilot surveys for the improvement of agricultural statistics. He carries out sample surveys for fixation of yard sticks for grow-more-food measures and for the assessment of increases in production resulting from intensive measures. The Statistics Division carries out large scale fertilizer and varietal trials in the fields of cultivators on nine major crops in order to formulate firm, practical and economic recommendations to cultivators for improved plant husbandry. Specialist officers are assisted in the design, lay-out and analysis of experiments at agricultural research stations and seed multiplication farms. The Statistics Division collects, compiles and publishes basic and current agricultural statistics pertaining to prices, wages, rainfall, cotton, ginned and pressed, etc. It is also responsible for the annual season and crop report, giving statistics of area and out-turn, land utilisation, sources of irrigation, live stock, and agricultural implements. In addition to the Statistician, there are two Deputy Directors, two Accounts Officers, two Assistant Accounts Officers and three Technical Officers to help the Joint Director in his work. Under these officers, there are eight branches, one for collegiate education, one for statistics and AGRESKO meetings, five for accounts, budget and reconciliation and one for planning. AGRESKO is the Agricultural Research Committee of the Department, with the Director of Agriculture as Chairman and the Agricultural Statistician as Member-Secretary. The Committee meets twice a year, once in the kharif and once in the rabi season, and, after reviewing the progress of research and taking into consideration the needs of extension workers, certain decisions are taken in the meeting and a programme of work drawn up. There are several Sub-Committees of AGRESKO and their meetings are convened before the meeting of the main committee. Planning relates to the assessment of long-term potentialities of development of agricultural production through perspective planning, the formulation of Five Year Plans and annual plans of work, fixation of targets and yard-sticks for measuring the potential created for increasing production, and watching the progress of plan schemes. The Planning Branch is also entrusted with the preparation of the Annual Administration Report of the Department. The Branch has, in addition to a Deputy Director for Planning, two Technical Officers.

Joint Director of Soil Conservation and Agricultural Engineering

A second Joint Director deals with soil conservation and agricultural engineering with two Deputy Directors and a Technical Officer to help him in his duties. The work in his office is done in two branches, one dealing with agricultural engineering, mechanical cultivation, boring, blasting and

minor irrigation schemes and the other with soil conservation and waste land schemes. There are three State level specialists, the Soil Specialist, Sholapur, the Research Engineer, Poona, and the Agricultural Engineer, Poona, who work under him. There are several districts in Maharashtra where rainfall is low and erratic and where soils have been subjected to severe erosion. The only hope for the majority of cultivators to improve their economic condition lies in proper utilisation of the land and water resources. Government, therefore, sanctioned a scheme for bunding and dry farming survey and passed the Land Improvement Scheme Act in 1942. This enabled the Department to undertake contour bunding in catchment areas if the owners of 67% of the land agreed to it. Seventy-five per cent of the cost of contour bunding is recovered from the cultivators in easy annual instalments. The contour bunds have not only controlled erosion effectively but have increased agricultural production by 25%. The sub-soil water level and the quantity of water in the existing wells situated in the bunded areas have been found to have risen, and this has created scope for construction of many more wells for irrigation purposes. At present nineteen Soil Conservation Divisions and one hundred and eight Soil Conservation Sub-Divisions are functioning in the State, including thirteen Terracing Sub-Divisions in Poona and Nasik Divisions and three Land Development-cum-Cashew Nut Plantation Sub-Divisions in Ratnagiri District. It is proposed to have in due course forty Divisions and two hundred Sub-Divisions for Soil Conservation. The Department also carries out a simple 'eye-survey' of Government waste lands classifying them into four classes. Land Utilisation Survey Officers have been posted at Poona, Nasik, Aurangabad and Nagpur. Loans for new wells and repairs to old wells, and subsidies for new wells are granted under the Integrated Wells Scheme through the Bombay State Cooperative Land Mortgage Bank. Loans are given for the purchase of pumping sets also through the same bank in all the districts of the State. There are one hundred and fifty Air-Compressors and Blasting Units for carrying out drilling and blasting operations required in the digging of wells in hard rock. There are fifty-six power boring machines for taking borings in existing wells to improve their capacity. Fifty bulldozers are employed mainly on levelling and terracing and 120 tractors for ploughing in the cultivators' fields. The air compressor units, boring machines and tractors are made available to cultivators at subsidised rates.

Joint Director for administration and research

The third Joint Director of Agriculture deals with administration and research. He has one Administrative Officer, one Assistant Administrative Officer and an Organisation and Methods Officer to help him in administrative matters. Establishment and service matters of gazetted and non-gazetted staff, administrative inspections of the offices of the Superintending Agricultural Officers, Principals of Agricultural Colleges and the State-level specialists are the responsibility of the Joint Director in charge of administration. There are

five branches in the office meant for all administrative matters, registry, records, and organisation and methods work. The Joint Director has to deal with some labour problems also. The Department engages about 5,500 labourers, on a permanent, monthly, seasonal or casual basis. The labourers employed at Poona, Nagpur and Padegaon are organised and they have their own unions. The demands of workers have to be considered in the light of industrial laws, departmental rules and local conditions. There are fifteen State level specialists in the Department under the Joint Director in charge of Research, namely (1) Economic Botanist, Poona, (2) Agricultural Chemist, Poona, (3) Agricultural Entomologist, Poona, (4) Plant Pathologist, Poona, (5) Horticulturist, Poona, (6) Agricultural Economist, Poona, (7) Agronomist, Poona, (8) Oilseeds Specialist, Jalgaon, (9) Cotton Specialist, Nanded, (10) Sugarcane Specialist, Padegaon, (11) Bacteriologist, Poona, (12) Horticulturist, Citrus Dieback Scheme, Shirampur, (13) Rice Specialist, Karjat, (14) Millet Specialist, Parbhani, and (15) Wheat Specialist, Niphad. These officers control research work all over the State in their branches. The specialists who are posted in Poona also work as professors in the Poona Agricultural College. Government is paying attention to agricultural research as it plays an important role in the development of agriculture. There are research stations and sub-stations spread all over the State for research work in jowar, bajri, paddy, wheat, cotton, sugarcane, oilseeds, tobacco, grass and betelvine at suitable places. Research work is conducted on the main crop as well as some other subsidiary crops at many of these stations. The research activities at these stations are carried out with financial help and guidance from the Government of India through various bodies such as the Indian Council of Agricultural Research, Indian Central Oilseeds Committee, Indian Central Cotton Committee, Indian Central Sugarcane Committee, Indian Central Arecanut Committee, Indian Central Coconut Committee and Indian Central Tobacco Committee. The Joint Director of Agriculture for administration and research also looks after horticultural, oilseeds and sugarcane development and cotton extension. He is assisted at headquarters by a Deputy Director of Agriculture, a Horticultural Development Officer and a Cotton Extension Officer. There are also a Technical Officer, an Assistant Horticultural Development Officer and an Assistant Cotton Extension Officer in the office and the work is done in two branches. Outside headquarters, horticultural development work is supervised in the Konkan region by a Horticultural Development Officer at Ratnagiri, Cotton extension work in Vidarbha is supervised by a Cotton Extension Officer at Amravati, oilseeds extension work is supervised by an Oilseed Extension Officer at Jalgaon and sugarcane development work is supervised by a Chief Sugarcane Development Officer at Padegaon.

Joint Director for agricultural extension

The fourth Joint Director is in charge of agricultural extension. He is helped by two Deputy Directors, a Compost Development Officer, a Chief

Plant Protection Officer and an Agricultural Information Officer, all in Class I service, and seven Class II officers, viz. two Technical Officers, a Crop Competition Officer, an Assistant Entomologist, a Campaign Officer, a Regional Officer, Fertilizers, and an Assistant Agricultural Information Officer. There are three sections at headquarters under the Joint Director, dealing with : (i) seed schemes, seed farms, compost schemes, fertilizer schemes, and the Fertilizer Control Order, (ii) crop campaigns, package programme and crop competitions, (iii) agricultural extension, non-collegiate education and plant protection, and (iv) agricultural information.

Extension work

Extension work obviously requires staff throughout the State. Since May 1958 Superintending Agricultural Officers have been appointed, one for each Revenue Division, viz. Bombay (temporarily at Nasik), Poona, Nagpur and Aurangabad. Each district has a Parishad Agricultural Development Officer in charge in Class I service. He is assisted by a District Agricultural Officer and a Campaign Officer at headquarters in Class II service and three to four Extension Officers (Agriculture) in each block. In addition there are Assistant Extension Officers (Agriculture) for groups of villages. The Gram-sevaks in the villages also attend to agricultural extension work as part of their duties. There are also some posts sanctioned for particular schemes connected with the grow more food campaign, the intensive cultivation programme, etc. The Parishad Agricultural Development Officers and the establishment and activities under them have now been transferred to the *Zilla Parishads*. The policy of the State Government is to increase production of food crops to the maximum possible extent. The grow more food drive includes multiplication and distribution of improved seeds of various food crops, distribution of manures and fertilizers, minor irrigation and land improvement measures. The last two are dealt with by the Joint Director in charge of Soil Conservation and Agricultural Engineering. The Joint Director in charge of Agricultural Extension is specially entrusted with the distribution of seeds, manures and fertilizers. There are 231 Taluka Seed Multiplication Farms covering an area of over 6,170 hectares in the State and it was expected that, by the end of 1962-63, 242 Seed Farms with a total area of 6,185 hectares would be established. Improved seeds of all food-crops such as paddy, bajri and wheat are multiplied and distributed throughout the State in areas suitable for these crops. At the taluka headquarters, there is a depot for the storage of seeds and manures, improved agricultural implements, insecticides, and fungicides and there are Agricultural Demonstration Centres throughout the State. In the latter, items of agricultural improvement are demonstrated on cultivators' fields. Eight trial-cum-demonstration farms have been started near newly opened irrigation projects for finding out the water and manurial requirements of different crops and demonstrating how irrigation facilities could profitably be used for them. There is a scheme for intensive cultivation of paddy by the Japanese method and *tagai* loans

are granted under the scheme for the purchase of seeds, manures and adoption of land improvement measures. There is a scheme for the intensive cultivation of food crops and pulses in selected areas which aims at educating cultivators in irrigated areas and areas of assured rainfall in improved agricultural methods through special staff working in each block. The scheme includes supply of improved seed, fertilizers, material for plant protection and credit facilities through cooperative societies. Each intensive cultivation block covers an area of about 8,100 hectares, and there are at present one hundred and forty-two such blocks in operation. In the year 1963 the Intensive Agricultural District Programme, popularly known as the Package Programme, was started in the Bhandara District. The programme is to run for a period of five years and it contemplates the preparation of farm production plans for every individual participating cultivator and the provision to such cultivators of all their requirements, including credit, through village cooperatives. Most of the expenditure involved in the implementation of the scheme is being met by the Government of India. Package programmes for groundnut and cotton are in progress in selected areas.

Distribution of fertilizers

Nitrogenous fertilizers, viz. ammonium sulphate, ammonium sulphate nitrate, urea and calcium ammonium nitrate are allotted by the Government of India to the State Government out of the central pool on a quarterly basis. The requirements of the State Government are intimated to the Government of India one year in advance. The Parishad Agricultural Development Officers work out these requirements and, when the State receives the allocation, Government earmarks the quantities required for the various special intensive schemes and allots the balance (1) to the remaining areas or districts in proportion to their requirements of other crops, (2) to the sugar factories and large scale sugar plantations and (3) to the manure mixing trade. Under the Fertilizer Control Order, 1957, the Joint Director of Agriculture (Extension) is empowered to grant registration certificates to the manufacturers of manure mixtures in Maharashtra State and the Parishad Agricultural Development Officers are empowered to grant licences to the fertilizer dealers for dealing in fertilizers. For ensuring inspection of the quality of fertilizers and their mixtures, each set of two or three districts has approximately one Inspector of Fertilizers.

Non-collegiate agricultural education

The Joint Director for Extension is concerned with non-collegiate agricultural education. There are twenty-five agricultural schools with a two-year course in agricultural and allied subjects. All agricultural schools except those at Manjri, Kolhapur and Parbhani have been transferred to the *Zilla Parishads*. There are twelve Gramsevak Training Centres. Two Home Science Wings (i.e. Gramsevika Training Centres) and two Workshop Wings are

attached to the Gramsevak Training Centres at Manjri and Sindewahi. There are Extension Wings at each Agricultural College. Nine Soil Conservation Training Institutes are located at Kelapur in Yeotmal District, Akola, Aurangabad, Nanded, Nasik, Chalisgaon in Jalgaon District, Satara, Sholapur and Ahmednagar to train departmental as well as non-departmental candidates in soil conservation technique. Non-departmental candidates get a stipend and they are required to execute bonds to serve Government for a period of three years. The scheme of training in soil conservation receives financial assistance from the Government of India.

Agricultural Information

The Agricultural Information Officer working under the Joint Director looks to : (i) collection and preparation of agricultural information literature for the use of farmers and extension workers, (ii) collection of information for preparing posters, charts and maps, and (iii) organising exhibitions.

Distribution of iron, steel and cement

The work of distribution of iron, steel and cement for agricultural purposes is entrusted to the Agricultural Iron and Steel Supply Officer, Bombay, who is placed directly under the control of Government in the Agriculture, Food and Cooperation Department. The State quota is allotted by the Government of India, Ministry of Agriculture, and is divided by him among the districts on the basis of rural population and cultivated area.

Statutory functions of Department

In addition to the Fertilizer Control Order, 1957, there are some other Acts under which the officers of the Agricultural Department perform certain functions. There are inspections required under the Cotton Ginning and Pressing Factories Act, 1925, for ascertaining whether there is any contravention of the provisions of the Act and they are undertaken by the Director of Agriculture and his subordinates as laid down in the Act. The Bombay Cotton (Statistics) Extension Act, 1960, empowers the Director of Agriculture and any person authorised by him to search and inspect any record in the possession of a trader or owner for testing the accuracy of any return made under section 3. There is also the Bombay Cotton Control Act, 1942, under which the Assistant Cotton Extension Officers are empowered to prevent the cultivation of any prohibited variety of cotton in controlled areas, mixing of cotton of different varieties, trading in prohibited varieties of cotton etc., and to compound cases of violation of the provisions of the Act. They also enforce the Cotton Transport Act. The Bombay Land Improvement Schemes Act, 1942, gives a number of powers to the officers of the Soil Conservation Section. The Bombay Agricultural Pests and Diseases Act, 1947, empowers the

Collectors or any gazetted officers appointed by them to carry out necessary control measures. It need not be stated that the officers of the Agriculture Department will be normally entrusted with this work.

Coordination with other departments

The work of the Agricultural Department is closely related with that of the Animal Husbandry, Cooperative, Revenue, Forest, Irrigation, Social Welfare, and Education Departments. Important matters affecting the various departments are discussed at the Collectors' Conference, and when questions pertaining to the Agriculture Department are due to be discussed the Director of Agriculture is invited to attend.

Transfer of activities to Zilla Parishads

Owing to the implementation of the democratic decentralisation scheme, the following activities of the Agriculture Department were transferred to the Zilla Parishads with effect from 1st May 1962 :

- (1) establishment, management, maintenance and the giving of grants to agricultural schools, excepting matters relating to : (i) laying down of syllabus, (ii) prescription of text books, and (iii) conducting annual examinations;
- (2) crop competitions;
- (3) crop campaigns (including kharif and rabi crop campaigns and intensive paddy cultivation);
- (4) compost and local manures;
- (5) distribution of fertilizers, agricultural implements and agricultural quota of iron, steel and cement;
- (6) demonstration of improved agricultural practices;
- (7) model demonstration or subsidiary seed farms;
- (8) importation and distribution of improved seeds;
- (9) establishment and maintenance of godowns;
- (10) eradication of noxious plants;
- (11) acclimatization of exotics;
- (12) increasing production of fruits and vegetables.

As already mentioned the district extension organisation, including the District Agricultural Officers and certain development schemes and works at the district level have accordingly been transferred, along with the concerned

staff, to the *Zilla Parishads* and consequently 2,176 posts of different categories (Class III and Class IV) in the schemes and offices of the District Agricultural Officers have come within the jurisdiction of the *Zilla Parishads*. Though the activities mentioned above have been transferred to the *Zilla Parishads*, the responsibility for achieving the targets fixed for the various schemes and their technical control rests with the Department. The Joint Director of Agriculture for Extension, Extension Officers and other specialist officers render the necessary technical guidance and watch the progress made in the implementation of the schemes.

Service structure

The Department is staffed by members of the Maharashtra Agricultural Service, Class I and Class II, and the Subordinate Agricultural Service. There are some posts in the General State Service, Class I and Class II, on the administration and accounts sides.

Committees

There are a few non-statutory Committees, apart from AGRESCO which has been described earlier, which are connected with the work of the Department.

(1) The Grass Land and Fodder Committee

The Committee has been set up under the chairmanship of the Director of Agriculture and consists of eight other official members. Its function is to deal with the problems relating to the improvement of grazing lands, fodder production and storage in the State.

(2) The State Advisory Committee on agricultural implements and machinery

The Committee consists of ten officials of the Agricultural Department and six representatives of manufacturing firms, farmers, and other interests. The function is to ascertain the requirements of farmers for improved implements, bring these to the attention of manufacturing firms and arrange for testing improved implements and machinery.

(3) Committee for award of prizes for invention of improved agricultural implements

The Committee consists of six official and three non-official members, with the Director of Agriculture as Chairman. The Committee examines claims by cultivators from Western Maharashtra to have invented improved implements, tests the working of such implements and decides on the grant of prizes.

(4) Committee for financial assistance to cultivators for improvement of agricultural implements and for invention of better substitutes

The Committee consists of the Agronomist as Chairman and three other officials. It scrutinises applications from cultivators for financial assistance for the fabrication of improved agricultural implements and makes recommendations to the Director of Agriculture.

Chart

A chart showing the organization of the Department is appended.

(ii) Animal Husbandry Department

Activities

The Department of Animal Husbandry deals with all livestock activities in the State, including breeding of animals, treatment, prevention and control of diseases, production of biological products required for protection of cattle, veterinary research and education, scientific research into problems of breeding, feeding and management of livestock, and expert advice and guidance to private enterprise in the animal industry. The Department has two branches, the Veterinary Branch and the Animal Husbandry Branch. Veterinary Hospitals, Veterinary Dispensaries and Veterinary Aid Centres are opened for providing veterinary aid to cattle in urban and rural areas. There are 197 Taluka Dispensaries, 73 Branch Veterinary Dispensaries and 619 Veterinary Aid Centres in the State. A Veterinary Officer is in charge of the Taluka Dispensary and he supervises the work of stockmen who are in charge of Branch Dispensaries and Veterinary Aid Centres in his jurisdiction. In accordance with the recent policy of Government, Veterinary Dispensaries and Veterinary Aid Centres are being opened from Community Development funds. All Veterinary Dispensaries and Veterinary Aid Centres, except the Veterinary Dispensaries at Poona, Nagpur and Nasik and the polyclinic at Aurangabad, have been transferred to the *Zilla Parishads* which get grants for running them. Technical control over them, however, rests with the Animal Husbandry Department. As regards animal husbandry work, there are fourteen cattle breeding farms in the State. The object of the farms is to produce pure breeding bulls for upgrading and improvement of village cattle. Breeding experiments are carried out on the various breeds in the State and research is also undertaken on the problems of feeding and management of livestock. A Livestock Research Centre is being established at Nagpur. There are seventy-one supplementary Cattle Breeding Centres in the State where farmers from selected groups of villagers are encouraged to buy pure-bred bulls and cows. For purchase of animals the farmers are given a subsidy.

Five bulls and fifty cows are located at each Centre and the farmers are expected to rear the progeny. There is a premium bull scheme under which progressive farmers are helped by cash subsidies for maintenance of breeding bulls. The work of breeding superior strains of cattle is also carried out at subsidised institutions and *goshalas* which get grants-in-aid or other assistance for the purpose. The supplementary Cattle Breeding Centres, the Premium Bull Scheme and the subsidised institutions and *goshalas* have now been transferred to the agency of *Zilla Parishads*. The Cattle Breeding Farms remain the direct responsibility of the Department.

Organisation at headquarters

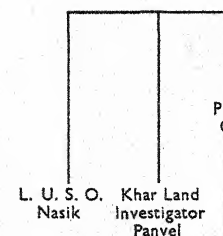
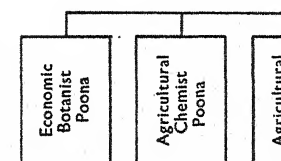
The Director of Animal Husbandry, with headquarters at Poona, is in charge of the Department. He is helped by a Joint Director and two Deputy Directors, one in charge of Livestock and the other in charge of Veterinary work. There are six other officers at headquarters, viz. the Personal Assistant to the Director, the Statistical Officer, the Audit Officer, the Organisation and Methods Officer, the Technical Officer and the Accounts Officer. There are eight branches in the head office placed under the different officers.

Field establishment

For supervision and control over general field work, excluding specialised services, research and education, there are four Regional Deputy Directors of Animal Husbandry, one for each revenue division, with headquarters at Mulund in Greater Bombay, Poona, Nagpur and Aurangabad. For each district, including Greater Bombay, there is a District Animal Husbandry Officer. Since 1st May 1962, these officers, except for the officer for Greater Bombay, have been transferred to the *Zilla Parishads*. Under the Regional Deputy Directors are the Superintendents of the Cattle Breeding Farms and Assistant Rinder-pest Officers at Bombay and Nagpur. For the specialised services, research and education there are stationed at Poona the Deputy Director in charge, Institute of Veterinary Biological Products, the Deputy Director in charge, Disease Investigation, the Deputy Director in charge, Key Village and Artificial Insemination Schemes, the Poultry Development Officer, the Sheep Development Officer, the Principal, Training Centre in Sheep and Wool Production, and the Wool Survey Officer. At Bombay and at Nagpur there are Veterinary Colleges.

Institute of Veterinary Biological Products

The institute of Veterinary Biological Products, Poona, manufactures bacterial vaccines and viral vaccines for the protection of animals from contagious diseases. The Institute serves the needs of Gujarat State as well as Maharashtra. Large quantities of poultry vaccines are also prepared and



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supplied. Under the Deputy Director in charge of the Institute is a Production Officer in Class I service and four Superintendents in Class II service.

Disease Investigation Section

Under the Deputy Director in charge of the Disease Investigation Section are three Assistant Disease Investigation Officers (cattle, sheep and goats) and three Assistant Disease Investigation Officers (poultry) in Class II service, posted one each at Poona, Nagpur and Aurangabad. The scheme of disease investigation and research is meant to collect information by visiting actual spots of the outbreak of diseases among livestock. Efforts are being made to conduct clinical investigations and research with available material for arriving at an accurate diagnosis by approved laboratory methods. The activities of the Section are directly linked with the farmers in the rural areas through the field staff which is mainly responsible for the control of epidemics.

Key Village and Artificial Insemination Schemes

The Key Village Scheme and the Artificial Insemination Scheme under the Deputy Director are two important measures for upgrading village cattle. The Key Village Scheme is an all India scheme which envisages the selection of groups of villages with about 4,500 to 5,000 adult cows distributed into six units. The important part of the Key Village Scheme is an intensive plan of using the best bulls for breeding either by natural service or by artificial insemination. Other aspects of the scheme are castration of scrub bulls, protection of animals against contagious diseases, improvement of feed and fodder and development of marketing facilities. There are twenty-six Key Village Centres in the State, each with six village units surrounding the main centre. The scheme also envisages fodder development activities with a view to encourage cultivators to grow nutritious fodder. There are eleven Artificial Insemination Centres in the State and a large number of Artificial Insemination Sub-Centres. At the main Centres the work of collection of semen as well as insemination is undertaken. At the Sub-Centres only insemination is undertaken with semen supplied from the main Centres according to local demand. The Deputy Director in charge of the Key Village Scheme and Artificial Insemination is helped by the Artificial Insemination Officers at Poona and Nagpur and the Fodder Development Officer, Poona, all in Class II service. There is a well-equipped laboratory at Poona with necessary facilities for collection and distribution of semen and for carrying out research and conducting training of Veterinary Officers in artificial insemination technique. It is the policy of Government to open Artificial Insemination Centres at every district headquarters and Sub-Centres at every taluka headquarters under the Community Development programme. The Sub-Centres are now under the control of *Zilla Parishads*.

Poultry development and pig breeding

The Poultry Development Officer in the Department looks after poultry and piggery activities. He is assisted by two Research Officers and one Poultry Marketing Officer at Poona and one Research Officer at Kolhapur, all in Class II service. There is also a Special Officer for poultry development work in the Nagpur Division stationed at Nagpur but he is, in addition, entrusted with the teaching of Poultry Management at the Nagpur Veterinary College. There are eight Poultry Breeding Farms in the State, and these farms supply pure-bred birds and hatching eggs. There are also four Central Hatcheries, twenty-two Poultry Demonstration Centres of the Government of India pattern and twenty-four Poultry Demonstration Centres of the State pattern for supplying chickens to poultry breeders. An Intensive Poultry Development Block has been established at Satara in which a comprehensive programme is being undertaken. Research work for improving the strains of poultry, for devising cheap and suitable housing under various conditions, for the utilization of by-products and waste-products as poultry feed, and in evolving labour saving and cost reducing methods of rearing, feeding and grading is carried out at the Breeding Stations and Demonstration Centres. Except for the Poultry Breeding Farms and the Central Hatcheries, all other poultry work has been transferred to *Zilla Parishads*. As an emergency measure to augment the food supply the State Government has decided to grant loans to poultry breeders, cooperative societies, etc. There is one piggery development scheme at Tathawade near Poona for introducing and multiplying foreign types of pigs for village pig improvement.

Sheep development and wool production

The Sheep Development Officer is responsible for sheep development and wool production work. A Sheep Breeding Research Station has been established at Pashan near Poona. Experimental work of cross-breeding of *Deccani* sheep with foreign rams is carried out at this station. There are ten other Sheep Breeding Stations for multiplying cross-breed rams, and sixty-eight Supplementary Sheep Breeding Centres in the State. There are also twelve Sheep and Wool Extension Centres which have now been transferred to *Zilla Parishads*. There is a well-equipped Wool Analysis Laboratory at Poona to determine the quality of wool. The Sheep Development Officer has the assistance of an Assistant Research Officer in charge, Wool Analysis Laboratory, and a Research Officer in charge of the Sheep Breeding Research Station, both in Class II service.

Veterinary education and training

Basic education in veterinary science at degree level is given at the Veterinary Colleges at Bombay and Nagpur which are affiliated to the Universities at those places. At the Bombay Veterinary College post-graduate

training is given for the M.V.Sc. degree of the Bombay University. The Principals of the Colleges are directly under the Director of Animal Husbandry. Under them are Professors in Class I service and Assistant Professors in Class II service. There are also lecturers, demonstrators and laboratory and other staff. For specialised post-graduate training, officers of the Department are deputed to the Indian Veterinary Institute at Izatnagar and to foreign countries. Training in advanced methods of sheep husbandry and wool technology is given to veterinary graduates at the Training Centre at Poona. The Principal of the Centre is assisted by a Professor in Class I service and an Assistant Professor in Class II service. Courses of one-year duration are conducted at Nagpur and at Hingoli in Parbhani District for the training of stockmen. Short courses are conducted for Veterinary Officers, stockmen and other staff of the Department in Artificial Insemination and Sheep Breeding, and three-month courses are held for poultry keepers at five Poultry Training Institutes. Members of the backward classes are given scholarships to attend the courses and loans are given to trained students for the purpose of starting poultry farms.

Statutes administered by Department

The Animal Husbandry Department is connected with the administration of several State and Central Acts. The Bombay Animal Preservation Act, 1948, is intended to protect animals which are fit for milch, breeding or agricultural purposes from being slaughtered for human consumption. There is a Veterinary Officer attached to each slaughter house for checking the observance of this Act. The Bombay Veterinary Practitioners' Act, 1953, is intended to ensure the registration of qualified veterinary practitioners. The Bombay Animal Contagious Diseases (Control) Act, 1948, empowers Government to notify a particular disease and ban the export of infected cattle to other areas. The Bombay Livestock Improvement Act, 1933, provides for the grant of licences for keeping livestock for breeding purposes. The licences are issued to breeders by Livestock Inspectors appointed by Government. These are Veterinary Officers in the Selection Grade. The object is to see that cattle of approved breeds alone multiply in particular regions. The Livestock Importation Act, 1896, and the Glanders and Farcy Act, 1898, are Central Acts. All cattle imported from abroad are inspected under the former Act and those without valid certificates are segregated and malleined. Under the latter Act, all stables of horses in the docks and in the City of Bombay are periodically inspected. Horses suspected to be suffering from scheduled diseases are malleined and those proved to be infected are destroyed after compensating the owners. The work under the last two Acts has been entrusted to the Principal, Bombay Veterinary College. The District Animal Husbandry Officer, Bombay, and the Inspectors under him help him in this work, though for other departmental work they are under the control of the Regional Deputy Director, Bombay.

Chart

A chart showing the organisation of the Department is appended.

(iii) Dairy Development Department*Headquarters organisation*

Dairy Development, except for the Greater Bombay Milk Supply Scheme, was prior to 1st October 1958 the responsibility of the Animal Husbandry Department or the Agriculture Department, the Greater Bombay Milk Scheme being the responsibility of the Milk Commissioner. On 1st October 1958 dairy development work throughout the State was made the responsibility of the Milk Commissioner who was given the new designation of Dairy Development Commissioner. The Commissioner is the head of the Department with his headquarters in Bombay. He also functions as *ex-officio* Deputy Secretary to Government in the Agriculture, Food and Cooperation Department. He is assisted at the head office by a Deputy Dairy Development Commissioner (Technical and Management) who attends to all technical matters regarding procurement of milk, processing, quality control and requirement of machinery and by a Dairy Development Officer (Headquarters). There is also a Dairy Development Officer (Extension) who attends to extension activities in the rural areas. In addition, there is a Dairy Engineer who is in charge of erection of dairy machinery and its maintenance for all mofussil schemes and an Additional Land Survey Officer who selects the sites for erecting dairies in different districts and follows up the matter until the sites are made available to the Department. There is a Land Survey Officer in the Department, but he is attached to the Greater Bombay Milk Scheme which has a separate establishment. There is an Assistant Dairy Development Officer (Administration) and an Accounts Officer at the head office. There are four branches in the Directorate with the necessary complement of non-gazetted staff. Attached to the Directorate is a Dairy Statistical and Costing Unit to examine the costing of milk. The unit is headed by a Deputy Director of Dairy Economics and Statistics and includes a Research Officer.

Subordinate offices

The Dairy Development Commissioner has under him the subordinate offices of the Director, Greater Bombay Milk Scheme, and the Regional Dairy Development Officers at Poona and Nagpur. The Regional Dairy Development Officer, Poona, functions as a controlling officer for all the offices and schemes in the Poona region, comprising all districts in the Bombay and Poona Revenue Divisions, except Greater Bombay. The milk supply schemes in this region are those at Poona, Kolhapur, Sholapur and Nasik, a pilot milk collection scheme at Dhulia, the Krishna Valley milk project at Miraj, and the Talegaon milk project. The Regional Dairy Development Officer at Nagpur

looks after the milk supply schemes at Nagpur, Akola, Amravati and Aurangabad.

Greater Bombay Milk Scheme

The Greater Bombay Milk Scheme is the most important single scheme of the Department. The capital cost of the scheme for Aarey and Worli has been about Rs. nine crores upto now. The Aarey plant caters to the needs of 20 lakhs of people, distributing 10,000 maunds of pasteurised milk in bottled and loose form including whole milk, toned milk and double toned milk. A unique feature of the Aarey colony is the provision within its premises of housing for about 15,000 milch cattle belonging to different licensees who have executed agreements with the authorities. A second dairy has been set up at Worli which is expected to handle 8,000 maunds. The Greater Bombay Milk Scheme has been importing skim milk powder required for the preparation of toned milk. Part of it is sold to hotel keepers and for domestic consumption. Some quantity is supplied to charitable institutions at concessional rates. Over 1,00,000 tons of cattle dung manure from Greater Bombay is sent annually to some sixty stations on Western and Central Railways, thereby helping the grow more food campaign and cleansing the City. An experimental Cow Unit and a pig breeding farm have been recently started at Aarey. Under the Director, Greater Bombay Milk Scheme, there is a Joint Director, a Controller of Milk Accounts and Financial Adviser, a General Manager for the dairies at Aarey and Worli, a Controller of Milk Transport, an Assistant Director (Personnel), an Assistant Director (General), an Assistant Director (Skim Milk Powder), a Public Relations Officer, a Land Survey Officer and a Labour and Welfare Officer. Under the Joint Director are a Chief Executive Officer (Colony), assisted by an Assistant Executive Officer (Colony), an Animal Husbandry Officer, a Principal Agricultural Officer and an Animal Nutrition Officer, a Cattle Licensing Officer, Greater Bombay, and an Officer in charge, Pilot Manure Supply Scheme. Under the control of the Chief Executive Officer (Colony) are Managers in Class II service for the Experimental Cow Centre and the Pig Breeding Farm. Under the Controller of Milk Accounts and Financial Adviser is a Deputy Controller of Milk Accounts, assisted by seven Accounts Officers for the various divisions of the accounts. The General Manager of the Aarey and Worli dairies is assisted by Dairy Engineers and Deputy Engineers, a Quality Control Officer, with a Dairy Chemist and a Research Officer-cum-Bacteriologist under him, a Controller of Procurement and Distribution, with three officers under him, Dairy Managers and a Stores Officer. A Project Officer has been appointed under the Chief Executive Officer (Colony) for the establishment of another milk colony like that at Aarey at Vankas, about one hundred and sixty kilometres from Bombay, where it is planned to house about 30,000 cattle shifted from stables in Greater Bombay. Land has been acquired for the colony and is being developed.

Construction work

Construction work under the Dairy Development Department is attended to by two Construction Divisions known as Milk Plan Construction Division I and Milk Plan Construction Division II attached to the Greater Bombay Milk Scheme. Each Division is under the charge of an Executive Engineer, with subordinate staff. These divisions prepare the initial plans and estimates and actual construction work is carried out through contractors.

Dairy Technology Institute

A Dairy Technology Institute has been started at Aarey in 1960, for imparting training to students leading to the Indian Dairy Diploma and other certificate courses. The Institute is in the charge of a Principal who is a Class I officer and is under the administrative control of the Joint Director, Greater Bombay Milk Scheme. There are five Training Superintendents in Class II and six Demonstrators in Class III along with office staff under him.

Staff under Regional Dairy Development Officers

Under the Regional Dairy Development Officer, Poona, are an Assistant Dairy Development Officer (Technical), an Assistant Dairy Development Officer (Administration) and an Accounts Officer at headquarters. There is a Superintendent for the Poona Milk Scheme, with an Accounts Officer, a Dairy and Transport Engineer, a Milk Procurement and Distribution Officer and a Dairy Manager under him. There are also Managers for the Government Milk Supply Schemes at Sholapur, Kolhapur and Nasik, for the Krishna Valley Milk Project at Miraj and for the Pilot Milk Scheme at Dhulia. Under the Regional Dairy Development Officer, Nagpur, are an Assistant Dairy Development Officer and an Accounts Officer at headquarters and four Managers for the Government Milk Supply Schemes at Nagpur, Akola, Amravati and Aurangabad.

Orders administered by Department

The Dairy Development Department is concerned with the administration of : (1) the Bombay Skim Milk Powder (Control of Movement and Distribution) Order, 1955; and (2) The Bombay Cattle (Licensing and Maintenance) Order, 1958. The first Order is administered by the Director, Greater Bombay Milk Scheme, who is authorised to issue transport permits and licences for possession of skim milk powder in the Greater Bombay area. The second is administered by the Cattle Licensing Officer, Greater Bombay, who is empowered to issue licences for the maintenance of cattle in the controlled area covering Greater Bombay and surrounding areas upto Thana and Bassein creeks.

Advisory Committees

There are a few non-statutory Committees in the Department which are advisory in character. A Milk Consumers Advisory Committee, Bombay, has been constituted under the orders of the Minister for Agriculture for tendering advice regarding the interests of consumers in matters of price, mode and hours of distribution and milk quotas of the Greater Bombay Scheme. There is a Cattle Feed Purchase Committee for advising the Chief Executive Officer of the Greater Bombay Milk Scheme on all matters regarding purchase of cattle feed. The members are appointed by the Chief Executive Officer, Aarey Colony, from among the licensees of the Colony each year. There is a Standing Committee which is consulted on general issues concerning the licensees in the Aarey Colony before deciding policy matters concerned with the day-to-day business of the licensees. The Standing Committee contains representatives of the licensees at Aarey Colony whose cattle are kept there in different units. A Cattle Licensing Advisory Committee with the Dairy Development Commissioner as *ex-officio* Chairman and the Cattle Licensing Officer as Member-Secretary, with a representative from the Bombay Municipal Corporation and two representatives of the Cattle Owners' Association, has been constituted to co-ordinate the working of the Municipal Act pertaining to the licensing of stables in Greater Bombay and the working of the Cattle (Licensing and Maintenance) Order, 1958. The number of commercial cattle in Greater Bombay has been legally controlled and no new stables nor additional cattle in existing stables are allowed. There are Milk Consumers' Advisory Committees at Poona and Nagpur.

Chart

A chart showing the organisation of the Department is appended.

*(iv) Department of Fisheries**Functions*

The main function of the Fisheries Department is to promote the development and utilization to the greatest possible extent of the natural fishery resources of the State, both marine and fresh water, and to improve the socio-economic condition of those who depend on fisheries for their livelihood. Maharashtra possesses a coast line of about 700 kilometres, about 3,220 kilometres of rivers and extensive resources in impounded waters. The scope for fisheries development is, therefore, very considerable. The work of the Department comprises the development of marine as well as inland fisheries, the provision of facilities for transport, preservation and marketing of fish, the provision of adequate landing and harbour facilities, fisheries research and education, manufacture of sharkliver oil and fish by-products, training and

education of fishermen and encouragement to the cooperative movement among fishermen.

Headquarters organisation

The work of the Department is partly centralised at headquarters in Bombay under the direct control of the Director of Fisheries and partly organised on a territorial basis. Apart from administrative and supervisory functions performed at headquarters certain activities are carried on at headquarters under the control of the Director. Among such activities may be mentioned the running of a Marine Biological Research Station at Bombay, the running of the Taraporevala Aquarium, all marine fisheries activities in Greater Bombay and in Thana District, inland fisheries throughout the State, except for the Nagpur Division, where there is an intervening Regional Assistant Director of Fisheries with headquarters at Nagpur, the grant and recovery of loans for mechanisation of fishing craft, and the grant of subsidies for the purchase of fishing requisites. The headquarters establishment under the Director of Fisheries includes a Deputy Director of Fisheries, a Senior Scientific Officer, a Survey Engineer, and two Assistant Directors of Fisheries, one for general duties and one for administration, all in Class I service, and a Recovery Officer, a Personal Assistant, an Accounts Officer, a Special Officer and a Statistical Officer in Class II service. The Senior Scientific Officer is in charge of Fisheries Research and has under him the Marine Biological Research Station at Bombay and the Taraporevala Aquarium. He has the assistance of the Curator of the Aquarium and of two Assistant Research Officers, one for Marine Biology and one for Fresh Water Biology. The Research Station is affiliated to the Bombay University for post-graduate studies in Marine Zoology leading to the M.Sc. and Ph.D. degrees, and it specialises in the study of problems peculiar to the northern half of the coast of Maharashtra, comprising Thana, Greater Bombay and part of Kolaba District. Research in fresh water biology is conducted at Khopoli under the supervision of the Senior Scientific Officer. Investigations, involving the determination of the quality of water and trials in induced spawning of culturable species of fish, are undertaken in inland centres with the assistance of the staff in the territorial organisation. A research section has recently been opened at Nagpur. Under the Deputy Director of Fisheries (Headquarters) come a Superintendent of Fisheries (Marine) and a Planning Officer. The Planning Officer, who is in Class II service, deals with planning and exhibitions. The Superintendent of Fisheries (Marine) supervises the field work in the Thana District and Greater Bombay, and he also handles matters relating to training, whether of officers of the Department or of fishermen. In addition, he deals with the allotment and accounting of equipment received from the U.S.A. under the Technical Cooperative Mission. The Assistant Director of Fisheries (General) deals with work relating to inland fisheries with the assistance of a Superintendent of Fisheries (Inland) and also with

the use and design of craft and gear used in fishing. As will be seen later, there is no separate staff in some areas of the State for inland fisheries, while in others there are Superintendents or Assistant Superintendents of Fisheries with jurisdiction over parts of districts or whole districts, or groups of districts. The Assistant Director of Fisheries (Administration) looks after general administration and fisheries cooperatives. The administrative work at headquarters includes supervision over the grant and recoveries of loans for mechanisation and other purposes, establishment, planning, accounts, budget, stores purchase and statistics. The office is organised in twelve branches and two sections.

Field organisation for special services

Outside the headquarters organisation in Bombay are: (a) a Marine Biological Research Station at Ratnagiri, (b) a Fisheries Technological Laboratory at Sassoon Dock, Bombay, (c) six Fisheries Schools at various places and two Training Centres, one at Versova, Greater Bombay, and the other at Ratnagiri, (d) a Service Station for mechanical fishing craft at Satpati in Thana District, (e) two demonstration boats, (f) twenty-two fish curing yards, (g) two pairs of trawlers operating in the South Konkan region to demonstrate the advantages of deep sea fishing and to survey and chart fishing grounds, and (h) an ice factory at Ratnagiri. A recent development has been the opening of a few departmental fish stalls for retail sales in Greater Bombay and the taking over of the quick freezing and ice and cold storage plant at Sassoon Dock from the Government of India. This plant is under a Manager in Class II service who is under the administrative control of the Deputy Director of Fisheries (Headquarters). The Marine Biological Station at Ratnagiri is under a Research Officer in Class II service who works under the guidance of the Senior Scientific Officer. Research is conducted at this station in the special problems of the waters off southern Kolaba District and Ratnagiri District. The Fisheries Technological Laboratory is under a Deputy Director of Fisheries (Technology and Research), assisted by an Assistant Director of Fisheries and a Superintendent of Fisheries. The laboratory is engaged in the production of sharkliver oil and sharkliver oil products. These products are supplied direct to Government hospitals and to military establishments and are also placed on sale through a sub-distributor approved by Government. The laboratory also manufactures fish-meal and livestock feed. Some extraction of sharkliver oil is also carried out in Ratnagiri and Kolaba Districts under the supervision of the Assistant Director of Fisheries (Off-Shore), Ratnagiri. The six fisheries schools are vocational primary schools which have additional courses in carpentry, net making, boat building and fish processing, and which are equipped with workshops. The Training Centres provide courses of training to young fishermen in the operation of mechanised vessels, including engine maintenance, navigation and mechanised methods of fishing. A Gear Technician is in charge of the Versova Centre

and a Fisheries Training Officer is in charge of the Ratnagiri District. The Service Station for mechanised fishing craft is under a Foreman and provides facilities at a moderate charge for repairs to the engines fitted to fishing boats. At present there are nearly 1,600 mechanised vessels in the State out of a total of 2,600 in the whole country. The two demonstration boats maintained by the Department are used in undeveloped areas to demonstrate actual fishing operations with new techniques, and also to demonstrate the possibility of fishing in the monsoon season when fishing operations are usually suspended. Of the fish curing yards conducted by the Department, twenty-one are situated in the Ratnagiri District and one in Kolaba District. Fishermen are supplied with salt from these yards at cost price and other facilities, such as concrete platforms and fresh water, are provided to promote hygienic curing of fish. The two demonstration trawlers operate off the South Konkan coast under the control of the Assistant Director of Fisheries (Off-Shore), Ratnagiri. The ice factory at Ratnagiri is also under him.

Field organisation for marine fisheries

Work relating to marine fisheries in the Kolaba and Ratnagiri Districts is looked after by a Superintendent of Fisheries at Alibag and a Superintendent of Fisheries (Coast) at Ratnagiri. But the execution of special development schemes in the Konkan region is the responsibility of the Assistant Director of Fisheries (Off-Shore), with headquarters at Ratnagiri, who is concerned with the promotion of the transport and preservation of fish in addition to looking after the extraction of sharkliver oil at Ratnagiri and the operation of the two trawlers for deep-sea fishing as mentioned above. Marine fisheries work in Greater Bombay and Thana District is, as already stated, controlled from headquarters. Among the activities of the Fisheries Department not already mentioned are the grant of loans and subsidies for the mechanisation of fishing craft, and the purchase of modern materials, like synthetic nylon and hemp twine. The Department also actively promotes the formation of cooperatives of fishermen for marketing of fish, running their own transport trucks, maintaining their own ice and cold storage plants, etc. A cooperative has also been established for running a boat-building yard. Loans and advances are given to cooperative societies for the purchase of trucks and refrigeration cabinets and the construction of ice and cold storage plants. Loans are also given for the construction of markets where fish can be sold in hygienic conditions.

Field organisation for inland fisheries

Work relating to inland fisheries, which relates mainly to the stocking of inland waters with carp fry, the development of fisheries in deep tanks, the establishment of fish farms and rural pisciculture, is mainly controlled from headquarters, but the Nagpur Division is under a Regional Assistant

Director of Fisheries, who is assisted by three Superintendents of Fisheries, one for Bhandara District, one for Chanda District and one for Nagpur as well as some other contiguous districts. Outside Nagpur Division, there are two Superintendents of Fisheries, one in charge of Aurangabad and some neighbouring districts, and one of Kolhapur and some neighbouring districts. Districts like Poona, Nasik, Dhulia, Jalgaon and Ahmednagar are not under the jurisdiction of any Superintendent of Fisheries, though there are Assistant Superintendents of Fisheries at Poona, Bhore and Nasik with restricted jurisdiction.

Chart

A chart showing the organisation of the Department is appended.

(v) Cooperative Department

Functions

The Cooperative Department is concerned with the promotion of, and control over, the cooperative movement in the State, the organisation of rural finance, the regulation of the marketing of agricultural produce, the licensing of warehouses for agricultural commodities and control over professional money lenders.

Cooperative activities

Cooperation is a form of organisation of economic activities wherein, in the words of Mr. Hubert Calvert, "persons voluntarily associate together as human beings on a basis of equality for the promotion of the economic interests of themselves". By banding together to provide common services like finance, marketing, and the purchase of raw materials, expensive machinery and tools, the middleman is sought to be eliminated and exploitation either of the producer or the consumer or both is sought to be minimised. The function of the Department in the field of cooperation consists of the development of cooperative organisations, including publicity, propaganda and education, and the regulation of the work of cooperative societies through registration, inspection, supervision and control, audit of accounts, arbitration in disputes, liquidation, and the decision of appeals under the Maharashtra Cooperative Societies Act, 1960. Maharashtra is one of the leading States in the field of cooperation. There are more than 33,000 cooperative societies in the State, including agricultural credit societies, processing societies, marketing societies, farming societies, industrial societies, urban credit societies, consumer societies, housing societies, banking societies and land development societies. The membership of all cooperatives is about 4.5 million and the total working capital is almost Rs. 340 crores. Cooperative institutions in the State are in the main organised on a sound federal pattern. A federal society is one of

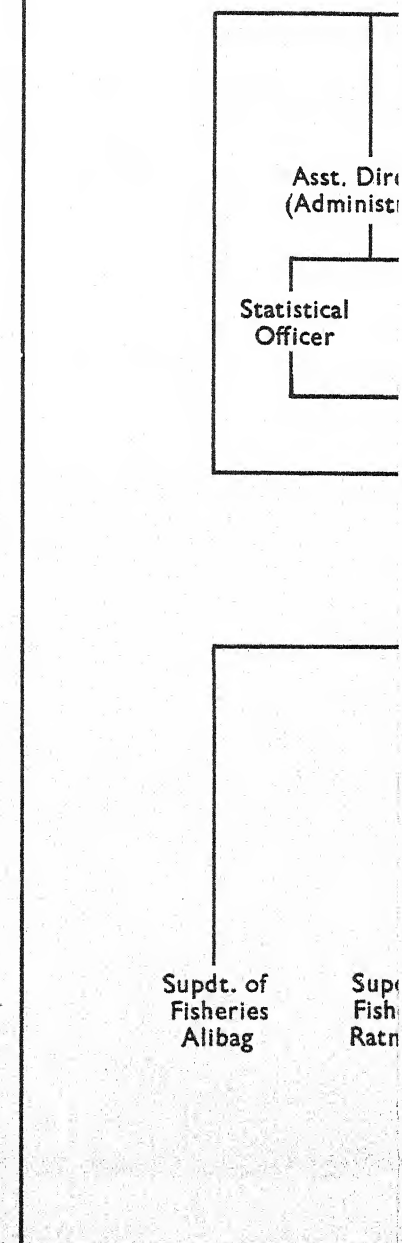
which not less than five members are themselves societies and in which member-societies have not less than four-fifth of the total voting strength in a general meeting. Except for farming societies and consumer societies, all kinds of cooperative societies in the State have federal institutions to support them. Thus there are District and State Marketing Societies, District and State Industrial Cooperative Associations, District Central Cooperative Banks and the Maharashtra State Cooperative Bank. Fisheries societies have federal societies in some districts only and the Maharashtra Rajya Machimar Sahakari Saustha at the State level. Land development banks, housing societies and cooperative sugar factories have no federal institutions at the district level. For training, education and propaganda there are District Cooperative Boards at district level, Divisional Cooperative Boards at the divisional level and the Maharashtra Cooperative Union at the State level. All apex institutions are situated in Bombay. A unique feature of cooperative democracy in the State is the supervision exercised by Cooperative Supervising Unions which operate at taluka or development block level and of which all agricultural credit societies, agricultural non-credit societies and non-agricultural credit societies in the area may be members. The Unions operate through Supervisors appointed by them.

Rural finance

Rural finance is provided by arranging financial accommodation from the Reserve Bank of India to the Central financing agencies for agricultural purposes, namely the State Cooperative Bank and the District Central Cooperative Banks. Contributions are made by the State Government to the share capital of the apex banks and, through the apex banks, to banking and credit cooperative institutions at the district and primary level. Debentures issued by the Land Development Banks which are concerned with long-term loans for major improvements on lands are guaranteed by the State Government.

Marketing of produce

The marketing of agricultural produce is regulated in the interest of the primary producer by the Bombay Agricultural Produce Markets Act, 1939, the Hyderabad Agricultural Markets Act, 1939 Fasli, the C.P. and Berar Agricultural Produce Market Act, 1935, and the C.P. and Berar Cotton Market Act, 1932. There are 214 regulated markets operating under the supervision of autonomous bodies called Market Committees constituted under the various Acts. These Committees are under the control partly of a Director of Agricultural Marketing operating in the Cooperative Department and partly of the Collectors of the districts in which they are situated. The development of regulated markets is promoted by such measures as cooperative marketing, warehousing, grading and standardisation of produce, transport facilities and



market intelligence. Financial assistance is given to Market Committees for development of market yards and the acquisition of land. Contributions are made by the State Government to the capital of marketing societies and new processing societies are also being formed for different agricultural commodities. Such societies include Rice Mills, Ginning and Pressing Factories and Solvent Extraction Plants.

Warehousing

In order to increase the capacity of the primary producer to hold back his produce until the most favourable time of the year, facilities for storing the produce and the grant of financial accommodation against such stored produce is provided at warehouses provided by the Maharashtra State Warehousing Corporation or licensed by the Cooperative Department under the provisions of the Bombay Warehousing Act, 1960.

Moneylending

Control over money lending is exercised under the provisions of the Bombay Money Lenders Act, 1946. All persons carrying on the profession of moneylender are required to register themselves and obtain a licence. The terms on which loans may be granted, including the maximum interest which may be charged, are strictly regulated under the Act. The administration of the Act is entrusted to the Cooperative Department.

Functions of Registrar

The Registrar of Cooperative Societies, Poona, is the head of the Department and he is responsible for the execution of major policy decisions of the State Government regarding the development of the cooperative movement and for the administration of the Maharashtra Cooperative Societies Act, 1960. He works as a trustee appointed by Government for debenture holders of cooperative institutions whose debentures are guaranteed by Government and he is closely associated with the working of the apex cooperative institutions in the State. He is the Member-Secretary of the State Cooperative Council appointed by Government to formulate plans for cooperative development generally and to advise Government on various questions relating to the cooperative movement in the State.

Headquarters organisation

The Registrar is assisted in his duties at the head office by six Joint Registrars, viz. (1) Joint Registrar, Sugar, (2) Joint Registrar, Administration, and *ex-officio* Registrar General of Money Lenders, (3) Joint Registrar, Audit, and Financial Adviser, (4) Joint Registrar and Director of Agricultural Marketing and Rural Finance, (5) Joint Registrar, Industrial Cooperatives,

and (6) Joint Registrar, Consumers, and by a Personal Assistant in Class II service.

Joint Registrar, Sugar

The Joint Registrar, Sugar, with the help of an Assistant Registrar (Sugar) looks after the Sugar Branch of the Department, dealing with all questions connected with cooperative sugar factories, including financial matters like the grant of loans to sugar factories from District Central Cooperative Banks and the Maharashtra State Cooperative Bank, Government contributions to the share capital of cooperative sugar factories and amendments to their bye-laws. This Branch also deals with the appointments of Managing Directors for these factories.

Joint Registrar, Administration

The Joint Registrar, Administration, who is also Registrar General of Money Lenders, looks after ten branches in the head office, concerned with establishment, administration, organisation and methods, planning, statistics, training schemes for non-gazetted staff, departmental examinations, administration of the Bombay Money Lenders Act, 1946, cooperative housing, farming societies, dairy societies and fishing societies. The Joint Registrar is assisted by three Deputy Registrars, one concerned with administration, one with housing societies and one with dairy and fisheries schemes. Other officers under him are an Assistant Registrar for Planning, a Statistician and Assistant Statistician, an Assistant Registrar for housing schemes and an Assistant Development Officer.

Joint Registrar, Audit

The Joint Registrar, Audit, and Financial Adviser, is helped by two Class I officers, namely the Special Auditor (Headquarters) and an Accounts Officer, and one Class II officer, namely an Assistant Accounts Officer. He is in charge of four branches dealing with Audit, Finance, Budget and Accounts. The Joint Registrar also controls the entire field staff on the audit side of the Department.

Joint Registrar and Director of Agricultural Marketing

The Joint Registrar and Director of Agricultural Marketing and Rural Finance, who is assisted by a Deputy Registrar, *Sarvodaya* and Marketing, an Assistant Registrar, Marketing, two Deputy Engineers, Civil and Mechanical, and five Assistant Marketing Officers, is in charge of marketing and *Sarvodaya*. The *Sarvodaya* scheme works according to the programme propounded by Gandhiji for the socio-economic and cultural development of the people mostly belonging to backward classes. There are

four *Sarvodaya* Centres in the State. Under the direct control of the Joint Registrar is a Marketing Research Officer posted at Bombay who collects intelligence relating to prices prevailing in certain important markets and other statistical information. The figures compiled by him are published.

Joint Registrar, Industrial Cooperatives

The Joint Registrar, Industrial Cooperatives, is assisted at headquarters by a Special Forest Officer, a Deputy Registrar, Industrial Cooperatives, and a Textile Expert in Class I service and by an Assistant Registrar and a Textile Officer in Class II service. The Joint Registrar has three branches under him, dealing with forest labourers societies and handloom and industrial cooperatives.

Joint Registrar, Consumers

The Joint Registrar, Consumers, though a member of the headquarters establishment of the Registrar, has his office in the Sachivalaya in Bombay. He is in charge of consumers' cooperatives and also acts as a coordinating officer for the various Secretariat departments concerned with the organisation of consumers' cooperatives under a centrally sponsored scheme.

Regional set-up

While the headquarters organisation concentrates on the formulation of broad policies and the provision of active guidance and help to federal institutions at all levels, day to day supervision and control over field activities is entrusted to Joint Registrars of Cooperative Societies stationed at Bombay, Poona, Nagpur and Aurangabad, each of whom is in charge of a Cooperative Division which is co-extensive with the corresponding Revenue Division. Each Joint Registrar is assisted at headquarters by a Deputy Registrar, three Assistant Registrars, an Assistant Statistician and the requisite non-gazetted staff. Each Divisional Joint Registrar is also Registrar of Money Lenders for his Division. In charge of each district is a Deputy Registrar who is also Registrar of Money Lenders for his district. He has two Assistant Registrars under him, each in charge of a few talukas for all matters connected with the cooperative movement. Extensive statutory financial and administrative powers have been delegated to the gazetted officers at various levels with a view to speeding up progress in the various development schemes. The Deputy Registrars have the assistance of inspecting staff for the conduct of enquiries into the applications of money lenders for licences, inspection of their account books and detection of illicit money lending. For carrying out the responsibilities of the Department in respect of audit there is an independent field organisation under the control of the Joint Registrar of Cooperative Societies, Audit, and Financial Adviser at headquarters. This consists of Divisional Special Auditors in Class I service at Bombay, Poona, Nagpur and Aurangabad supervising a number of Special Auditors in Class II service

(thirteen in Bombay Division, fifteen in Poona Division, nine in Nagpur Division and five in Aurangabad Division). Independent of the Divisional Special Auditors are a number of Special Auditors in Class I service, including two at Bombay, three in Poona Division for Sugar Factories, and one at Nagpur.

Role of Zilla Parishads

Under the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961, which came into force from 1st May 1962, several matters relating to cooperation have now been transferred to *Zilla Parishads*. The services of one Assistant Registrar of Cooperative Societies have been placed at the disposal of each *Zilla Parishad*. These Assistant Registrars continue to exercise their functions under the Maharashtra Cooperative Societies Act, 1960, in accordance with the model bye-laws and instructions issued by the Registrar, Cooperative Societies, and work under the general guidance, superintendence and control of the Registrar. In respect of administrative matters, however, they are under the general supervision of the *Zilla Parishads*. Two schemes which were being executed through government agency, viz. the scheme for the Industrial Cooperatives, including handicrafts and weavers societies and grant of assistance to them, and the Rural Housing Scheme have been transferred to the *Zilla Parishads*. Cooperative housing societies in the villages are eligible for assistance under the second scheme, and this assistance will be granted by *Zilla Parishads* from the grants placed at their disposal.

Chart

A chart showing the organisation of the Department is appended.

(vi) Food and Civil Supplies Organisation*

Statutory provisions

Trade and commerce in, and the production, supply and distribution of, foodstuffs, including edible oilseeds and oils, and price control, are enumerated in the concurrent list of subjects given in the Seventh Schedule to the Constitution of India, and both the Central Government and the State Government have powers in the matter. The Essential Commodities Act, 1955, which is a Central Act, is the principal law under which the supply and distribution of foodgrains are regulated. The Central Government has powers to make rules under the Act. Under section 5 of the Act, the Central Government may delegate to the State Government or its officers the powers conferred on it under section 3 in relation to such matters and subject to such conditions, if any, as may be specified by it. The Government of India

* This organisation is now under the administrative control of the newly established Civil Supplies Department of the Secretariat.

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has, accordingly, conferred on the State Government the power to issue orders for the regulation, by a licence, permit or otherwise, of the storage, transport and distribution of foodstuffs, subject to the condition that prior concurrence of the Central Government should be obtained before the issue of an order. The State Government had, accordingly, issued the Bombay Foodgrains Dealers Licensing Order, 1958, now replaced by the Maharashtra Foodgrains Dealers Licensing Order, 1963, which requires every dealer in foodgrains to take a licence if he buys, sells or stores for sale 25 quintals or more of scheduled foodgrains and also requires such dealer to submit a fortnightly return showing stocks, purchases, and sales of foodgrains. The licensing authorities are the Mamlatdars or Tahsildars in the districts, the Controller of Foodgrains Distribution in Greater Bombay and Foodgrains Distribution Officers in certain other cities and towns. The Government of Maharashtra has also issued, in exercise of the powers delegated to it under the Essential Commodities Act, 1955, the Maharashtra Sugar Dealers Licensing Order, 1963, and the Maharashtra Foodstuffs (Service at Functions) Restriction Order, 1964. Under the Maharashtra Sugar Dealers Licensing Order, 1963, a dealer in sugar carrying on the business in quantities exceeding 50 quintals is required to obtain a licence and to conduct the trade according to the terms of the licence. Under the Maharashtra Foodstuffs (Service at Functions) Restrictions Order, 1964, the service of food containing preparations of rice and wheat and their products, with certain exceptions, is prohibited when there are more than fifty persons present at a function, including those serving, distributing, providing, accepting or contributing for the service or distribution of the food and also members of the household of the person or persons by whom or on whose behalf the food is served. The power to fix prices of foodgrains or to order movement of foodgrains has been reserved to itself by the Central Government under the Essential Commodities Act, but the State Government has concurrent powers under the Defence of India Rules for the fixation of prices and restriction of movement of certain commodities. These powers have been occasionally but sparingly exercised so far by the State Government to supplement the action already taken by the Central Government under the Essential Commodities Act. The powers conferred by the Defence of India Rules have been availed of by the State Government to promulgate : (a) the Maharashtra Scheduled Articles (Display and Marking of Prices) Order, 1963, (b) The Maharashtra Foodgrains (Control on Margin of Profit) Order, 1963, (c) the Maharashtra Foodgrains (Declaration of Stocks) Order, 1964, and (d) the Maharashtra Foodgrains (Regulation of Disposal and Requisition) Order, 1964. The Maharashtra Scheduled Articles (Display and Marking of Prices) Order, 1963, applies to articles like foodgrains, spices, toilet articles, stationery, bicycles, foot-wear, utensils and cloth. The Maharashtra Foodgrains (Control on Margin of Profit) Order, 1963, prescribes the margins of profit allowed to dealers in rice, wheat, jowar and tur, including the splits and flour thereof, both for wholesale and retail sales. The Maharashtra Foodgrains (Declaration of Stocks) Order, 1964, and the Maharashtra Food-

grains (Regulation of Disposal and Requisition) Order, 1964, are intended to discourage hoarding and to facilitate requisitioning of hoarded foodgrains. Under the first Order, stocks of paddy, rice, wheat, jowar and bajri, whether whole, broken or converted into flour, held at the end of each month have to be declared by producers if they exceed twenty-five quintals in the aggregate and by other persons if any exceed ten quintals. The second Order permits the acquisition of declared stocks. These orders are of temporary duration but are renewable. Fortnightly returns of stocks of gur and khandsari have to be submitted since June 1963 by dealers licensed under the Maharashtra Gur and Khandsari Dealers Licensing Order.

Functions

The Food and Civil Supplies Organisation is entrusted with the following responsibilities :

- (a) allotment and supervision of despatches of overseas foodgrains by rail or sea from Bombay to district and taluka places in Maharashtra State;
- (b) supervision of despatches of allotment of foodgrains made by the Government of India from its depots in other States;
- (c) purchase and supervision of despatches of rice and wheat from other States and arrangements for distribution of grain so purchased in the Maharashtra State;
- (d) regulation of export of controlled commodities from Greater Bombay by issue of permits;
- (e) collection of statistics regarding stock position at various levels and trend of wholesale and retail prices of foodstuffs and essential commodities;
- (f) operation of the scheme for opening fair-price cloth shops in Greater Bombay and in the districts;
- (g) operation of the fair-price shops scheme for foodgrains and sugar; and
- (h) enforcement of the various control and regulatory orders in respect of food and civil supplies issued by the Government of India and the State Government.

Rice and Wheat Zones

Maharashtra, Gujarat and Madhya Pradesh form one zone so far as the movement of rice is concerned. Surplus quantities of rice from Madhya Pradesh used to come into Maharashtra State on trade account, but at present the movement is conducted on a State to State basis through licensees of the

Madhya Pradesh Government and nominees of the Maharashtra Government under the supervision of the Food Departments in the two States. Since March 1964 the Government of India has formed zones for the movement of wheat within the country. The Government of India has been releasing overseas wheat and rice at subsidised prices, but the releases of rice are relatively small. The annual quota of imported rice for Maharashtra State is about two lakhs tons. Private trading in imported foodgrains is prohibited.

Procurement

Until recently there was no procurement of foodgrains in the Maharashtra State except in the case of jowar, which was purchased in surplus districts as a price support measure. In 1963-64 some quantities of rice and jowar were purchased by the State Government in the main producing districts for distribution through fair-price shops. At present small quantities of locally produced rice and sizeable quantities of locally produced jowar are being purchased by the State Government. These, together with rice and wheat received from the other States under allotments made by the Government of India, are distributed through fair-price shops exclusively on a no-profit no-loss basis.

Fair-price shops

There are about 15,000 fair-price shops in the districts and about 1,390 in Greater Bombay, through which the State Government distributes rice and wheat. Preference is given to cooperative societies, village panchayats and other semi-public bodies for conducting fair-price shops, and agencies consisting of scheduled castes are given priority in the matter. A special margin of twelve paise per maund is allowed to cooperative societies and village panchayats to encourage them to take up the work, and village panchayats are also granted loans for the purchase of foodgrains. In cities with a population of over one lakh, the household card system has been introduced. In order to help the distribution of the small quantities of rice that are available and to popularise the consumption of overseas wheat, Government has adopted a policy of linking the supply of wheat with that of rice in some areas. There is a uniform retail price throughout the State for foodgrains distributed under the fair-price shops scheme. Rice and wheat is issued to fair-price shops in Greater Bombay direct from the godowns of the Government of India in the City. Supplies to shops in the districts are made from the godowns of the State Government where allotments made by the Government of India for distribution in the districts are initially stored.

Sugar distribution and production

Against an estimated consumption of sugar in Maharashtra State of 35,000 to 40,000 tons a month, 28,500 tons are allotted to the State by the Government of India principally from the factories in the State, and the

monthly quota is distributed among the districts and in Greater Bombay by the State Government. Against a production target of 6.5 lakh tonnes allotted by the Government of India to Maharashtra State for the year 1963-64 the actual production came to 5.84 lakh tonnes, the shortfall being due mainly to unattractive prices allowed to sugarcane growers.

Organisation

The Food and Civil Supplies Organisation is headed by the Supply Commissioner. The Secretary to Government, Agriculture, Food and Co-operation Department is *ex-officio* Supply Commissioner, but he has a separate office in Bombay in the latter capacity. Under the Supply Commissioner is a Director of Civil Supplies who is *ex-officio* Deputy Secretary to Government in the Agriculture, Food and Cooperation Department, assisted by Deputy Directors, Assistant Directors and subordinate administrative and inspecting staff. For Greater Bombay there is a Controller of Food-grains Distribution and there are Food-grains Distribution Officers for the cities of Poona, Nagpur and Sholapur and the towns of Ahmednagar, Kolhapur, Nasik and Ulhasnagar where the household card system is in operation. The Collectors are in charge of food and civil supplies work in the districts and they are assisted by District Supply Officers, Assistant District Supply Officers and subordinate administrative and inspecting staff. At the taluka or tahsil level, the Mamlatdar or Tahsildar is in charge of food and civil supplies work. To deal with financial and accounts matters pertaining to food and civil supplies, there is a Chief Accounts Officer at Bombay who is also *ex-officio* Deputy Secretary to Government, Agriculture, Food and Cooperation Department, and who has a separate accounts organisation under him.

Advisory Committees

There is a Fair Prices Supervision Committee for Greater Bombay which meets every fortnight to suggest measures which will ensure adequate supplies of foodgrains to consumers at reasonable prices. An all-party Food Consultative Committee of members of the Legislature has also been constituted to advise the State Government on food policy matters. City Advisory Committees function in Poona and Nagpur. Divisional and District Committees of traders have been formed where necessary to review periodically the supply position of rice received from Madhya Pradesh and to ensure that the price of Madhya Pradesh rice is maintained at a reasonable level.

(vii) Controller of Iron and Steel and Cement*

Functions

For the purpose of exercising control over the distribution and use of specified categories of iron and steel for non-agricultural purposes in cities

* The Controller is now under the administrative control of the newly established Civil Supplies Department.

in the State with a population exceeding 100,000, of corrugated iron sheets and cement in Greater Bombay, Poona City and Nagpur City and of demands for cement in excess of five tonnes in Thana District, a separate organisation has been set up under a Controller of Iron and Steel and Cement. The Collectors of districts are responsible for control over distribution and use of iron and steel in rural areas and urban areas with a population not exceeding 100,000. They are also responsible for control over the distribution and use of cement outside Greater Bombay, Poona City, and Nagpur City and Thana District. It is the function of the organisation in respect of iron and steel to keep a watch over arrivals and indents by stockists, make allocations to stockists, expedite the planning and execution of indents, maintain stock reports and quota certificates issued to stockists. The organisation makes allotments to registered stockists, Government departments, and semi-Government bodies and deals with questions of disposal to small scale industries of scrap arising from mills which comes within the purview of control. The organisation recommends the names of stockists for recognition as registered or controlled stockists, and it also distributes controlled categories of iron and steel for the use of Government departments and local bodies and, on the recommendation of the Industries Department, for non-agricultural and industrial purposes. In respect of cement it is the function of the organisation to process applications for cement, obtain orders from Advisory Committees regarding quotas and issue permits. The organisation carries out inspections both at stockists and at work sites and detects infringements of control orders. The regional branches maintain close liaison with Collectors to ensure that the material received in the districts is promptly disposed of. The Controller of Iron and Steel and Cement has been declared to be a Controller for Greater Bombay under the Bombay Buildings Control Act, 1948, and his certificate is required before the construction of a cinema house or other place of entertainment is started. In other districts the powers of a Controller are exercised by the District Magistrates. The Controller also functions as Agricultural Iron and Steel Supply Officer for the distribution districtwise on the basis of rural population and cultivated area of the quota of iron, steel and cement allotted by the Government of India, Ministry of Agriculture, to the State for agricultural purposes.

Organisation

At the head of the organisation is the Controller who is an officer of the rank of Executive Engineer deputed from the Maharashtra Service of Engineers. Under the Controller at headquarters is an Assistant Controller of the rank of Deputy Engineer on deputation from the Maharashtra Service of Engineers who is responsible for the Technical Section and the Cement Section. This officer also functions as the regional officer, so far as control over iron and steel is concerned, for large cities in the districts in the Bombay Division. There is at headquarters another Assistant Controller with legal

qualifications who is responsible for the collection and maintenance of statistics of supplies, establishment matters and enforcement. For iron and steel control in large cities in the districts in the Poona and Aurangabad Divisions and cement control in Poona City there is a regional office at Poona under an Assistant Controller, and for iron and steel control in large cities in the districts in the Nagpur Division and cement control in Nagpur City there is a similar regional office at Nagpur. The regional offices also deal with the distribution of controlled categories of iron and steel for industrial purposes on the recommendations of the Industries Department. The two Assistant Controllers in these regional offices are also of the rank of Deputy Engineer on deputation from the Maharashtra Service of Engineers. The personnel of the organisation numbers about ninety.

Coordination and Advisory Committees

So far as control over cement is concerned, the organisation acts on the basis of quotas for different purposes, such as agricultural, non-agricultural, industrial, Government schemes, etc., prescribed once a quarter by a Cement Coordination Committee consisting of representatives of the various Government departments, cement companies, the Housing Board and the Railways. Committees, consisting mainly of non-officials representing various interests connected with building activities and retired officials, are also associated with the distribution of cement in Greater Bombay, Poona City and Nagpur City. A Committee consisting of representatives of the Industries Department and the various other interests concerned with iron and steel also operates in Bombay.

CHAPTER NINE

DEPARTMENTS AND OFFICES UNDER EDUCATION AND SOCIAL WELFARE DEPARTMENT

(i) Directorate of Education

Functions

The Directorate of Education is responsible for the promotion of education in the State in all its branches, with the exception of technical education, which is the responsibility of the Directorate of Technical Education, medical education, which is the responsibility of the Medical Department, agricultural education, which is the responsibility of the Agriculture Department, and veterinary education, which is the responsibility of the Department of Animal Husbandry. The Director of Education, who is at the head of the Directorate, is the adviser of the State Government in all matters relating to education and is responsible for the execution of the policies of Government, including the preparation and implementation of plan schemes. In the field of higher education the responsibility of the Directorate extends to the administration of grants-in-aid to Universities, non-Government Colleges and research institutions and to the administration of Colleges and research institutions conducted by the State Government. The Director advises the State Government in matters relating to supervision and control over universities, such as the affiliation or disaffiliation of colleges, the amendment of university statutes and regulations and appointments to the governing bodies of universities. There are six Universities in the State, sixteen Government Colleges, including Arts, Science, Commerce and Law Colleges, Secondary Teachers Training Colleges and Post-Graduate Basic Training Colleges, and more than one hundred and fifty non-Government Colleges. Of the Government Colleges, mention should be made of the Institute of Science, Bombay, which is the premier institution for teaching and research in pure science and the Director of which has a special status, in so far as in certain matters he exercises independent powers of a Head of Department directly under the State Government. In the field of secondary education, the Directorate of Education no longer maintains any secondary schools of its own. Such schools as were formerly maintained by the Directorate have been transferred since 1st May 1962 to the control of *Zilla Parishads*, which have also been vested with the authority of inspecting, supervising, and controlling all secondary schools in their areas, including such schools in municipal areas situated within the geographical limits of the districts under their charge. Secondary schools in Greater Bombay, however, remain the responsibility of the Directorate. The *Zilla Parishads* are required to conform to the directions and technical advice of the Directorate, and such functions as laying down of syllabuses, prescription of text-books and conduct of examinations have been

reserved to the State Government. In respect of primary education, control has, subject to supervision and control by the State Government or the Directorate of Education in certain respects, including framing of syllabuses and sanctioning of text-books, and the enforcement of compulsion, been vested in local authorities. These are: (a) the Bombay and Nagpur Municipal Corporations for the areas within their jurisdictions, (b) twelve Municipal School Boards for local authority municipalities in Western Maharashtra constituted under the Bombay Primary Education Act, 1947, (c) more than sixty municipalities in Vidarbha and (d) the *Zilla Parishads* for non-municipal areas and for the municipal areas within their districts where a municipal school board does not operate or where the municipality is not itself responsible for providing primary education. Finance for primary education is provided partly from the proceeds of local taxation and partly from grants made by the State Government. These grants vary from about one-fourth of the total expenditure in the case of Greater Bombay to almost ninety per cent of the expenditure for rural areas. Every municipality which is not itself directly responsible for primary education makes a substantial contribution to the cost incurred in its area by the *Zilla Parishad* or local authority municipality which provides the service. The Directorate is also responsible for running of training institutions for primary teachers, except for Greater Bombay, where the Bombay Municipal Corporation runs its own training institutions or grants aid to private training institutions. The Directorate is responsible for over one hundred and thirty Training Colleges. These are all Basic Training Colleges in which one of three crafts, viz. spinning and weaving, agriculture and wood-work, is taught. Certain special branches of education are also the responsibility of the Directorate. These are physical education, visual education, promotion of commercial education, inspection and encouragement of drawing and craft-work in secondary schools, vocational guidance and selection and library development. The Directorate is responsible for the conduct of several examinations, including examinations for conferring qualifications and for the grant of scholarships.

Organisation at headquarters

The Director of Education is assisted at headquarters, which are situated at Poona, by a Joint Director of Education, three Deputy Directors of Education, a Research Officer, an Accounts Officer, an Officer on Special Duty and an Organisation and Methods Officer. The Joint Director of Education is in charge of branches in the office of the Director dealing with university and collegiate education, educational concessions, and ashram schools. He also shares responsibility with a Deputy Director of Education for administrative and ministerial appointments, text-books, syllabuses, departmental examinations and some miscellaneous matters. This Deputy Director is also responsible for work relating to the Auxiliary Cadet Corps, the National Cadet Corps and Planning. Another Deputy Director is responsible for primary education and primary Training Colleges. The third Deputy Director is responsible for

secondary schools and audit. The Research Officer is responsible for all statistical work and the annual reports. The Accounts Officer is responsible for accounts and budget. The Officer on Special Duty is responsible for social education and *gram shikshan* which is organised by village panchayats and social workers under the supervision and control of *Zilla Parishads*, the production of literature for neo-literates being the responsibility of the State Government. The Organisation and Methods Officer is responsible for the central registry, typing pool and weeding squad, in addition to the O & M Section. Other officers at headquarters include a Personal Assistant who deals with all gazetted appointments and non-gazetted appointments in colleges, and some officers in the Maharashtra Education Service, Class II, and the General State Service.

Collegiate staff

At the head of the Institute of Science, Bombay, is a Director who, as mentioned above, is in some matters independent of the Director of Education, but in others is subject to his authority. At the head of other Government Colleges and Institutions of collegiate status is a Principal, directly responsible to the Director of Education. In each College or Institution are an appropriate number of Professors, Lecturers, Demonstrators, Laboratory Assistants and other teaching and administrative staff.

Administrative Branch staff

In the sphere of administration of secondary and primary education, there are four Regional Deputy Directors of Education, one for each Revenue Division. Except for the Regional Deputy Director of Education, Bombay, who is in charge of supervision and control of secondary education in Greater Bombay and who has the assistance of an Educational Inspector for the purpose, the main responsibility of the Deputy Directors of Education is now in respect of the administration of the Primary Training Colleges in their regions, and of a few other educational institutions which have not gone over to the *Zilla Parishads*. The Inspectors of Schools in each district who prior to 1st May 1962 were under the direct control of the Regional Deputy Directors of Education, and the inspecting staff of Deputy Educational Inspectors under the Inspectors, have now been allocated to *Zilla Parishads* with the designations of Parishad Education Officers and Deputy Education Officers. The Regional Deputy Directors also exercise a certain amount of control over the Administrative Officers of Municipal School Boards in Western Maharashtra who are Government officers placed at the disposal of the School Boards. Directly under the Director of Education, there is an Inspectress of Girls Schools in each Region for the inspection of institutions for girls.

Physical Education

In the field of physical education, there is a State Inspector for Physical Education, who advises and assists the Director in all matters related to

physical education in primary and secondary schools and training colleges, inspects physical education work in secondary schools and training colleges and conducts a departmental examination for a Certificate in Physical Education. He works as Secretary of the National Discipline Scheme, which aims at imbuing youth with a healthy respect for the values of discipline. Under the Scheme about one hundred and seventy Physical Training Instructors have been appointed and attached to secondary schools. For the training of secondary school teachers in physical education there is at Kandivli in Greater Bombay a Training Institute for Physical Education which is under a Principal. The Institute holds long-term and short-term courses.

Visual Education

For the encouragement of the use of visual aids and projectors in educational institutions there is an Inspector of Visual Education with headquarters in Bombay. He tours the State for inspection of visual aids in use. He is responsible for repairs to projectors and gives guidance to teachers and inspecting officers in connection with visual aids. He also gives lectures.

Commercial education

There is an Inspector of Commercial Schools stationed at Bombay for the inspection of commercial classes preparing pupils for diplomas and certificates. He is also responsible for holding the Government Commercial Diploma and Certificate examinations. The Inspector has the assistance of an Assistant Inspector of Commercial Schools.

Drawing and craft-work

For the purpose of inspecting the teaching of drawing in secondary schools and for organising drawing grade examinations for pupils in these schools there is an Inspector of Drawing and Craft-work, stationed at Bombay. He is assisted by an Assistant Inspector.

Vocational Guidance and Selection

There is an Institute of Vocational Guidance and Selection at Bombay under a Principal and a Sub-Bureau at Poona. The main work done at the Institute and Sub-Bureau are training of teachers in vocational guidance, research, aptitude testing and collection and dissemination of occupational information. The Principal is assisted by three Assistant Vocational Guidance Officers, of whom one is posted at the Sub-Bureau at Poona, two Councillors, two Assistants in Class III service and one Publication Assistant.

Libraries

There is a Curator of Libraries, stationed at Bombay, who is responsible for inspecting libraries organised under a scheme undertaken by the State

Government for the proper development and organisation of various kinds of libraries and for the distribution of Government grants to libraries. The scheme includes the development of a Central Library at Bombay in collaboration with the Asiatic Society. This is one of the three copyright libraries in India in which a copy of every publication issued in India has to be deposited. The Curator of Libraries is assisted by two Regional Assistant Curators, one at Poona and one at Nagpur.

Boards for Secondary Education

Functioning in close association with the Directorate of Education are the Maharashtra Secondary School Certificate Examination Board and the Vidarbha Board of Secondary Education. The former body has been established under the provisions of the Bombay Secondary School Certificate Examination Act, 1948, and, pending extension of its jurisdiction over the whole of the State, it conducts the Secondary School Certificate Examination in Western Maharashtra. By executive order it has also been entrusted with the conduct of the High School Examination in Marathwada. The Vidarbha Board of Secondary Education functions in Vidarbha under the provisions of the Madhya Pradesh Secondary Education Act, 1951, read with the Madhya Pradesh Statutory Bodies Act, 1956. While the Maharashtra Secondary School Certificate Examination Board is primarily an examining body and has no authority over secondary schools, except to the extent of regulating the conditions on which pupils from these schools may be admitted to examinations held by it, the Vidarbha Board of Secondary Education not only conducts examinations, but also gives recognition to secondary schools and prescribes courses of instruction in such schools. It is also competent to adopt welfare measures for students, to organise and provide lectures, demonstrations and educational exhibitions and to call for reports from the Directorate of Education on recognised schools or on schools applying for recognition.

Organisation of Maharashtra S.S.C.E. Board

The Maharashtra Secondary School Certificate Examination Board is a body corporate with perpetual succession and consists of a Chairman appointed by the State Government, six *ex-officio* members, including the Director of Education or a Joint or Deputy Director, the Director of Technical Education or another officer of the Directorate of Technical Education, the Director of Agriculture or another officer of the Agriculture Department, the Inspector of Commercial Schools, an Educational Inspector and an Inspectress of Girls Schools, six representatives of the Academic Councils of Universities in Western Maharashtra elected by the Councils, a Principal of a secondary training college nominated by the State Government and a number of persons representing secondary school teachers, head masters and head mistresses and other persons with experience of secondary or higher

education nominated by the State Government. The Chairman holds office for a term not exceeding four years, which may be extended for a period not exceeding four years. The Chairman holds office on a full-time basis and receives such salary and allowances as the State Government may fix. Members of the Board, other than *ex-officio* members, hold office for a term of three years. The Board has power to coopt not more than three extraordinary members for any special purpose. The Board has to appoint, out of its members, an Examiners Committee which draws up panels of examiners. It may also appoint such other Committees as it thinks fit. The executive officer of the Board is the Secretary who is appointed by the State Government. Such other officers and staff as may be required are appointed by the State Government or by the Chairman or the Secretary to the extent to which powers to appoint are delegated to them by the State Government. The whole staff, including the Chairman and the Secretary, are servants of the State Government and remunerated from the State revenues, but the Board has to make from its funds an annual contribution to the State revenues of such amount as the State Government may fix on account of their pay, pension, leave and other allowances.

Organisation of the Vidarbha Board of Secondary Education

The Vidarbha Board of Secondary Education is presided over by the Director of Education who is *ex-officio* Chairman. Five other officials, including the Deputy Director of Education and the Deputy Director of Technical Education at Nagpur, are members *ex-officio*. Among the other members are two representatives of the Nagpur University, and about nineteen persons nominated by the State Government to represent various interests, including teachers, managing bodies, commerce, industry, agriculture, labour and backward communities. The Board is required to coopt an additional member from among persons interested in problems arising in secondary education. The term of the members is five years. The Board is required to appoint the following committees :

- (a) an Executive Council,
- (b) an Academic Council,
- (c) a Board of Studies,
- (d) an Examination Committee,
- (e) a Recognition Committee,
- (f) a Finance Committee.

The Board may, by regulations, constitute other such bodies. Non-members can be appointed by the Board on its committees, and the committees have power to coopt additional members upto one-third of their number. The

principal administrative officer of the Board is the Secretary who is appointed by the State Government. The State Government may appoint, in addition, one or more than one Assistant Secretary and prescribe their pay and conditions of service. The Board is competent to appoint such other officers and servants as it considers necessary and to prescribe, by regulation, the salaries and other conditions of service.

Control

The regulations made by both the Boards require the sanction of the State Government, which has power to call for such reports, returns and statements as it may require. The accounts of the Boards have to be submitted for audit. In the case of the Maharashtra Secondary School Certificate Examination Board, the financial estimates of the Board have to be submitted to the State Government annually for sanction, and rulings of the State Government on matters of interpretation of the Act or of any of the regulations or by-laws made thereunder are declared to be final. In the case of the Vidarbha Board of Secondary Education, the State Government has power to give advice or issue directions to the Board and, in an emergency, to take action without reference to the Board. The State Government may also suspend any regulation or order of the Board which is in excess of its power or is invalid, and it may also prohibit the Board from taking any action in any particular respect.

Advisory and other Committees

There are various Committees which assist the Directorate in the performance of its functions. In connection with text-books, there are: (i) the Price Fixation Committee with four members which fixes the prices of text-books, (ii) the Departmental Language Text-Book Committee which prepares text books in Marathi for primary schools, and (iii) the English Language Text-Book Committee with five members which prepares English Readers to be used in schools. For the conduct of examinations there are: (i) the Government Commercial Diploma and Certificate Examination Committee, with seven members, four official and three non-official, which conducts examinations in commercial subjects, (ii) the Hindi Shikshan Sanad Examination Committee, with four members, two official and two non-official, which prescribes text-books and syllabuses for the examination, conducts it and declares the results, and (iii) the Secondary Teachers Certificate Committee, with six members, four official and two non-official, to conduct examinations for the certificate.

Chart

A chart showing the organisation of the Directorate is appended.

(ii) Directorate of Technical Education

Scope of activities

The Directorate of Technical Education, with headquarters in Bombay, was created in 1948 for providing efficient control over technical education at all stages, i.e. education of the degree standard, of the diploma standard for supervisory personnel, training of craftsmen and technical education in secondary schools. Prior to 1948 responsibility for such education was divided between the Director of Education and the Director of Industries. So far as technical education at degree level is concerned, each University has its own curriculum to which engineering colleges have to conform. The curriculum for technical education at the diploma level is prescribed by the State Government. In both respects, however, some coordination on an all India basis is secured by the All India Council of Technical Education. As for the training of craftsmen, the Government of India in the Ministry of Labour has laid down certain standard courses for the whole country, and these standard courses are being gradually brought into operation in the State in place of the separate State courses.

Functions of Director

The Director of Technical Education is the head of the Department and he is the adviser to Government in all matters pertaining to technical and industrial education. He represents the State Government on a number of bodies like the All India Council of Technical Education, the National Council for Training in Vocational Trades and the Central Apprenticeship Council. He is an *ex-officio* member on the Senates of Universities in the State, on the S.S.C.E. Board, on the State Council for Training in Vocational Trades and on the State Council of Technical Education. The Director also advises the public on request regarding the organisation of technical institutions and other matters connected with technical education.

Nature of technical education at various levels

Institutions like Engineering Colleges and Polytechnics which provide for education of degree and diploma level respectively are under the direct control of the Director. In respect of other technical and industrial institutions, there are three Regional Deputy Directors of Technical Education with headquarters at Bombay, Poona and Nagpur. These officers look after the administration, supervision, control, payment of grant-in-aid, inspection and recognition of these institutions within their respective jurisdictions. The types of institutions, under the control of the Directorate are as follows :

(1) *Engineering Colleges* : The Engineering Colleges cater to degree courses either in engineering or technological subjects and the standard of

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admission to them is the Intermediate or an equivalent examination of a recognised University in the Faculty of Science. These Colleges are affiliated to the Universities. Some of them are also recognised for preparing students for post-graduate degrees and for undertaking research. The Colleges are designed to produce engineers capable of filling higher executive posts in industry, particularly in the field of design and planning. There are eight Engineering Colleges in the State, out of which four are managed by the State Government, namely those at Poona, Karad, Amravati and Aurangabad. The Regional College of Engineering, Nagpur, is sponsored by the Central Government and is managed by a Governing Council. In addition, the State Government maintains the Sir J. J. College of Architecture which is affiliated to the University of Bombay. The Bombay and Nagpur Universities have Departments of Technology which provide training in Chemical Engineering and Chemical Technology.

(2) *Polytechnics*: Polytechnics cater to diploma courses of three to four years' duration either in engineering or technology. The standard of admission is the S.S.C. Examination or its equivalent. The Board of Technical Examinations prescribes the syllabuses, conducts the examinations and awards the Diploma. The instruction imparted is both theoretical and practical, but greater stress is laid on practical work, as the aim is to train supervisory personnel for industry. There are twenty-two Polytechnics in the State, of which sixteen belong to the State Government. There are also some other Government institutions catering for diploma courses in special subjects. These are the Institute for Printing Technology, the Government Leather Working School and the Government Tanning Institute, all located in Bombay. A Mining Polytechnic has been recently opened. It is at present located at the Government Polytechnic, Nagpur, but will be shifted to Tumsar in Bhandara District as soon as buildings are provided there.

(3) *Technical High Schools and Centres*: Technical High Schools are essentially secondary schools, but the education imparted in them has a technical bias. The aim is to give the student a broad-based training in basic engineering and workshop courses without neglecting the academic subjects and thus to provide at the secondary stage a form of mental training which is especially suitable for those who prefer a practical approach to learning. The course is spread over a period of four years from standard VIII to standard XI, and students are prepared for the S.S.C. Examination. After passing the examination students can proceed to Polytechnics or other similar technical institutions, or may enter upon courses in Science in Colleges with a view to entering Engineering Colleges. The education imparted in Technical High Schools can, therefore, be considered as "pre-engineering education". The establishment of fullfledged Technical High Schools involves considerable expenditure, both capital and recurrent. With a view to throwing open the facilities of technical education to the largest number possible, the Department

has opened Technical High School Centres at certain places. Arrangements are made at these Centres for the training of students in the workshop and engineering subjects by providing the necessary staff, equipment and buildings. These Centres are run in combination with local secondary schools, students from which come to the Centres for instruction without any cost to them. The number of Technical High Schools in the State is fifty-two, of which four belong to the State Government. The number of Technical High School Centres is twenty-five and the expenditure on them is met by the State Government.

(4) *Vocational High Schools*: These schools are in existence in Vidarbha and they were established with the idea of providing students from rural areas with the facility of technical education. The schools impart training for four years (standard VIII to standard XI) in Language, Mathematics, Science, Drawing, Humanities and one trade like carpentry, tailoring, leather work or metal work. Intensive training is given in the trade chosen by the candidates to enable them to join the industry either as apprentices or skilled artisans. Successful students are awarded a certificate by the Vidarbha Board of Secondary Education. Students passing out from these schools are not eligible to join the University or other higher technological institution.

(5) *Vocational Schools, Trade Schools and Industrial Schools*: These Schools are variously designated. They prepare students for a particular trade such as welder, electrician, carpenter or turner, with a view to enable them to carry on an independent vocation or to get employed in industry as skilled workers. The standard of admission varies from literacy to "S. S. C. Examination" and the duration of the courses from six months to two years according to the degree of skill required. The State Council of Technical Education lays down the syllabuses of these courses and their duration and the Directorate of Technical Education conducts the examinations and awards certificates to the candidates. There are 255 such schools in the State.

(6) *Industrial Training Institutions or Centres*: These Institutions or Centres aim at turning out skilled artisans required in industry. Boys of the age of sixteen and above are admitted and are given intensive training for eighteen months followed by in-plant training for six months. Some courses such as those for draughtsman, refrigeration mechanic, surveyor and wireless telegraphy require the S.S.C. as admission qualification, while others require two standards below the S.S.C. Examination. There are thirty-one Industrial Training Institutions in the State at present, with a total capacity of 10,560 seats. Linked with these Institutions and Centres is the National Apprentice Scheme prepared by the Government of India. This scheme envisages the adoption of the practice of training apprentices in a systematic way on a national basis with a view to their becoming skilled craftsmen in trades which are customarily learnt in a practical way through training and work

experience on the job. Attempts to arrange for apprentice training on a voluntary basis, as in other industrially advanced countries, were not successful, and the Apprentices Act, 1961, was enacted by Parliament to require employers to take apprentices on their establishments compulsorily according to a prescribed ratio. The Apprentices Act, 1961, is being implemented in the State from 1st January 1963, and basic training is being given to apprentices at Industrial Training Institutes and in factories and workshops as explained above for two years. The balance of the period of training prescribed by the Central Apprenticeship Council will be utilised for operating full length apprenticeship training in factories and workshops.

Training for workers

With a view to improve the theoretical knowledge of workers, a two-year part-time course has been started at the Elphinstone Technical High School and another centre at Bombay and at Poona. Classes of two hours' duration are held thrice a week. The course consists of instruction in workshop mathematics, reading of blue-prints, elementary trade theory and use of precision instruments. The scheme has proved popular with industrial workers and it is proposed to expand it further. The syllabuses for various trades are prescribed by the National Council for Training in Vocational Trades. At the end of the course, a test is conducted by the State Council for Training in Vocational Trades and certificates are awarded to those who pass the test.

Training for defence requirements

For the training of aircraft technicians required for the Supersonic Aircraft Factory the State Government conducts an Artisans Training Centre at Nasik Road.

Headquarters organisation

The Director of Technical Education is assisted at the head office by a Joint Director of Training, who is *ex-officio* Secretary for the State Council for Training in Vocational Trades which has been set up for advising the State Government on matters connected with the Craftsman Training Scheme sponsored by the Directorate of Employment and Training, Ministry of Labour, Government of India. Also at the head office there are a Deputy Director of Technical Education, a Special Training Officer, a Personal Assistant, a Planning Officer and a Deputy Apprenticeship Adviser, in addition to two Accounts Officers, an Organisation and Methods Officer and two other officers in Class II service. The Deputy Director of Technical Education is *ex-officio* Secretary of the State Council of Technical Education which advises the State Government on matters connected with technical education below the university level. The Deputy Director of Technical Education, assisted by an Assistant Director and an Accounts Officer, controls six sections in the office dealing

with matters pertaining to the administration of Government and non-Government engineering colleges and polytechnics, compilation of statistical data, the Annual Administration and other reports, the State Council of Technical Education, examinations, recognition and inspection of non-Government polytechnics and technological institutions, buildings and equipment, stationery, library, the formulation of Five Year Plans and individual plan schemes, cash transactions, bills, scholarships and fellowships, the audit of accounts of engineering colleges and polytechnics, audit reports and grants-in-aid. The Personal Assistant, assisted by the Organisation and Methods Officer, looks after four sections, including the Registry and Typing Sections, which deal with establishment matters, organisation and methods activities, departmental examinations, departmental inquiries and inspections of regional offices. Under the control of the Joint Director of Training, assisted by the Deputy Apprenticeship Adviser and an Accounts Officer, are five sections which deal with the trade test of trainees, procurement of equipment, construction of buildings for industrial training institutes, award of scholarships, the implementation of the Apprentices Act, 1961, part-time classes for industrial workers, administrative matters pertaining to the Craftsman Training Scheme, the formulation of proposals for development programmes, accounts, budget, reconciliation and appropriation accounts.

Field Establishment

As regards the field organisation, the Principals of Government Engineering Colleges and Polytechnics and of other institutions like the Sir J. J. College of Architecture, the School of Printing Technology, Bombay, and the Artisan Technical Training Centre, Nasik, as well as the Leather Expert and Superintendent, Government Leather Working School, and the Tanning Expert and Superintendent, Government Tanning Institute, are directly under the Director of Technical Education. These Colleges and Institutions have the requisite teaching and other staff, including Professors, Lecturers, Demonstrators, Laboratory and Workshop staff and technicians. The other activities of the Directorate are organised, as mentioned above, under three Regional Deputy Directors of Technical Education, stationed at Bombay, Poona and Nagpur. Under each Regional Deputy Director are Deputy Inspectors of Technical Education and Principals of Industrial Training Institutes or Centres in Class II service, and Superintendents of Government Technical High Schools and Superintendents of Industrial Schools in Class III service. Under the Deputy Director of Technical Education, Bombay, is a Deputy Inspectress of Technical Education who is responsible for the inspection of institutions imparting training in crafts like tailoring, cutting of garments, needlework, embroidery and handicraft.

Chart

A chart showing the organisation of the Directorate is appended.

(iii) Sir J. J. School of Art

Aims and scope of activities

The Sir J. J. School of Art was established in 1857 with the aid of a donation of Rs. one lakh by Sir Jamsetjee Jejeebhoy, the first Baronet. It was the pioneer institution of its kind in Asia and the spread of art education in Maharashtra State is almost entirely due to it. The school imparts training aiming at:

- (i) analysis of visual experience and its translation, and
- (ii) synthesis based on the analytical experience and creative powers.

The School has four Departments, viz. (1) Drawing and Painting, (2) Sculpture and Modelling, (3) Teacher Training and (4) Arts and Crafts. There are diploma courses in Drawing and Painting and in Modelling of five years' duration. The Drawing Teacher's certificate course is for a year. The certificate course in Arts-Crafts is of three years' duration. The Arts-Crafts taught are: (1) textiles-weaving, dyeing and printing; (2) gold and silver work; (3) engraving and enamelling; (4) shape making; (5) wrought iron work; (6) carpentry and cabinet making; (7) wood carving; (8) stone carving; and (9) house decoration. Part-time classes are also conducted in the School in Drawing and Painting, Sculpture and Modelling and Graphic Arts. Tours are arranged to places of artistic importance for the students. Members of the staff as well as students participate every year in the Annual State Art Exhibition. Admission is sought to the School by students from all parts of India and even from abroad, and at present there are over 500 students on the roll.

Organisation

At the head of the School is the Dean, who is an independent Head of Department. Each of the four Departments is under a Professor. The other staff consists of eight Lecturers, thirteen Assistant Lecturers and two Fellows. There is a small clerical establishment.

Examining authority

Examinations for the diplomas and certificates in Drawing and Painting, Sculpture and Modelling, Arts-Crafts and Drawing Teachers are held by the Examination Committee, Government Drawing Grade and Higher Arts Examinations, appointed by the State Government. The organisational work in respect of the examinations is entrusted to the Dean, Sir J. J. School of Art.

(iv) Sir J. J. Institute of Applied Art, Bombay

Aims and scope of activities

The Sir J. J. Institute of Applied Art provides instruction in applied forms of Art. It originated in 1935 as a Department of Commercial Art in the Sir J. J. School of Art, Bombay, and in 1961 it was made a separate institution. It happens to be the only full-fledged institution imparting training in commercial art in India and it has proved of great benefit to commerce, industry and public authorities by making available a continuous supply of trained artists and designers.

Courses of training

The following courses are provided at the Institute:

- (1) Diploma Course (day session) of four years' duration,
- (2) Certificate Course. (morning session) of four years' duration,
- (3) Apprentice Training Courses (evening session) in Photography, Block-making, Lithography and Interior Decoration (Designing) of one year's duration.

Examining authority

Examinations for the diploma course are conducted by the Examination Committee, Government Drawing Grade and Higher Arts Examinations. Examinations for the other courses are held by the School itself.

Organisation

At the head of the Institute is the Dean, who is an independent Head of Department. In addition to his teaching and administrative duties at the Institute, he is responsible for organisational work relating to the Diploma Course examinations and for advising Government on matters of visual education, visual publicity, display art, monuments, memorials, State emblems and symbols, decoration and illumination of public buildings and exhibitions. The teaching staff of the Institute consists, in addition to the Dean, of three Professors, three Lecturers, twenty Visiting Lecturers and a Fellow. There is a small clerical staff in addition.

(v) Directorate of Social Welfare

Scope of activities

The Directorate of Social Welfare was constituted in 1957 by the amalgamation of the Backward Class Welfare Department and the Juvenile

and Beggars Department. Its functions can be divided into three classes, viz. (a) the welfare of the Backward Classes, including the scheduled castes, the scheduled tribes, nomadic tribes and *vimukta jatis* (i.e.) tribes and castes formerly classified as criminal tribes); (b) correctional administration relating to juvenile delinquency, beggary and habitual criminals; and (c) social work in the field of social and moral hygiene. Each of these categories is dealt with in a separate wing of the Directorate.

Activities relating to Backward Classes

The Backward Classes Wing looks after the welfare of the backward classes, which includes their educational, social and economic advancement. Much of this work is actually executed by other departments and the function of the Directorate of Social Welfare is mainly one of coordination, the collection of information and statistics, and advice in respect of general policies. The educational advancement of scheduled tribes, scheduled castes, nomadic tribes and *vimukta jatis* is sought to be achieved by giving their children help in the form of free studentships, scholarships, examination fees and hostel facilities. A list of backward classes in Western Maharashtra, Vidarbha and Marathwada regions has been prepared containing all the scheduled tribes (popularly known as *adivasis*), scheduled castes (popularly known as *harijans*), *vimukta jatis* (ex-criminal or denotified tribes) and nomadic tribes. In addition, all pupils, to whatever community they may belong, whose parents or guardians earn less than Rs. 1,200 per annum, are regarded as backward and are given freeships throughout their educational career. The State Government has sanctioned free studentships to all children of scheduled castes and scheduled tribes at all stages of education and in all types of recognised institutions. No student is required to make an application for the award of free studentship to any authority. The heads of institutions are required to furnish detailed information in the prescribed form. Ashram schools which are conducted by the Directorate of Education are of special benefit to children from scheduled tribes, *vimukta jatis* and nomadic tribes. These schools are residential primary schools, with agriculture as basic craft. Balwadis are maintained for children below the age of five who cannot be admitted either to primary schools or to Ashram schools. These institutions are designed to bring children from scheduled castes and other *savarna* Hindu children together. Merit scholarships are also sanctioned by the State Government for students from scheduled castes and scheduled tribes for their primary and secondary education. Scholarships for post-matriculation studies are sanctioned for them by the Government of India and not by the State Government. There are also some Government of India scholarships for students from the poorer sections of society whose family income is Rs. 2,400 per annum or less. Special attention is paid to the amelioration of the unsatisfactory housing conditions of the backward classes through the promotion of cooperative housing societies and the grant of subsidies for the purchase of housing sites and for construction

and repairs of houses. The economic improvement of these people is sought to be achieved by the grant of waste lands to them on cooperative and individual basis. Loans are given for developing their lands by bunding. Bullocks, seeds and implements are provided for them free of cost. Loans-cum-subsidies are given for purchasing milch cattle. Training-cum-Production Centres are established for cottage industries and help is given to trained artisans. Industrial and multipurpose societies of backward classes and Forest Labourers' Societies are entitled to special facilities. The reservation of a prescribed percentage of posts in the various categories of services for members of the backward classes under Government, local bodies and semi-government organisations is also an important part in the programme of economic development. In order to promote the eradication of untouchability which continues in spite of legislation, intensive propaganda is undertaken. Subsidies are paid to caste Hindu landlords for letting their premises to scheduled caste tenants and intercaste marriages are encouraged. Harijan Day is celebrated every year and prizes are given to villages which do outstanding work in the removal of untouchability. As already mentioned, a good deal of social welfare work is done through other departments of Government. The most outstanding example is the Tribal Development Blocks of the Rural Development Department. When the budget for Backward Class Welfare is sanctioned, Government in the Education and Social Welfare Department not only mentions the schemes but the implementing authorities also, which may be the Director of Social Welfare, the Director of Agriculture, the Director of Education, the Registrar of Cooperative Societies, the Director of Public Health, an Executive Engineer of the Buildings and Communications Department or the *Zilla Parishads*. A number of schemes are carried out through voluntary organisations. In carrying out the programme of social welfare, advice and cooperation is sought from eminent social workers, the State Board for Harijan Welfare and the State Tribes Advisory Council.

Activities transferred to Zilla Parishads

Under the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961, educational development of backward classes, including measures relating to the grant of scholarships, freeships and examination fees, establishment and maintenance of hostels and schools including grants to aided hostels, economic development of backward classes, including financial assistance to individual cultivators and artisans, training of backward classes, including organisation of training camps, technical training and training in improved methods of hereditary occupations, removal of untouchability and other programmes for the welfare of the backward classes, like provision of houses and drinking water wells and establishment and maintenance of *Balwadis* and *Sanskar Kendras* have been handed over to the *Zilla Parishads*. The *Zilla Parishads* receive grants from Government for the expenditure incurred on the schemes. With this transfer of responsibility, the Social Welfare Officers who operated in

each districts under the Directorate of Social Welfare have been transferred to the control of *Zilla Parishads*.

Activities relating to correctional administration

The following matters are dealt with by the Correctional Administration Wing:

(1) *The Bombay Children Act, 1948*: The work done under this Act is curative as well as preventive. It pertains to Remand Homes, Certified Schools and Fit Person Institutions. The Remand Homes are places where children on remand under the Bombay Children Act are placed temporarily for their trial before the Juvenile Courts. They are observed by trained social workers during the period. The Remand Homes are managed by the District Probation and After Care Associations in the districts and the Children's Aid Society in Bombay City, which are non-Government organisations subsidised by the State Government. There is a Remand Home at Akola, however, which is managed by the State Government. Certified Schools are run by Government as well as by voluntary agencies. Fit Person Institutions are private institutions which are certified as fit for the detention of children committed by Juvenile Courts. The distinction between a Certified School and a Fit Person Institution is that, whereas a Certified School is exclusively organised to cater to the needs of children who are committed by the Courts, a Fit Person Institution is primarily an educational institution in which educable type of court-committed children may be taught along with children from outside. The Juvenile Court commits children to Certified Schools or Fit Person Institutions according to their needs and the facilities provided in each type of institution. There are ten Government Certified Schools in the State, and 133 voluntary institutions doing the work under the Bombay Children Act. The Deputy Director of Social Welfare (Correctional Administration) is *ex-officio* Chief Inspector of Certified Schools, and he has been given certain powers and functions under the Bombay Children Act. He is assisted by Inspectors of Certified Schools in this work.

(2) *The Bombay Prevention of Begging Act, 1959*: Beggars arrested under this Act which is in force in Bombay City and Poona City only are detained on remand at the Receiving Centres. Here their cases are studied and represented properly before the courts. After trial, beggars are committed by the courts to institutions called Certified Institutions where they are detained for rehabilitation. There are twelve certified institutions managed by the State Government and there are nine voluntary certified institutions which are paid grant-in-aid. The Deputy Director of Social Welfare (Correctional Administration) is *ex-officio* Chief Inspector of Certified Institutions. He has been given certain powers and functions under the Bombay Prevention of Begging Act. He is assisted by an Inspector of Certified Institutions in this work.

(3) *The Bombay Probation of Offenders Act, 1938*: Under this Act, youthful offenders convicted for crimes carrying sentences not exceeding two years are given a chance to "improve in the open" by enlarging them on bond of good conduct under the supervision of Probation Officers. Work under the Act, therefore, consists of trial and rehabilitation of first offenders. There is a private organisation called the Maharashtra State Probation and After Care Association which consists of various district organisations. These district organisations are called the District Probation and After Care Associations. They are privately managed institutions carrying on work under the Bombay Children Act as well as the Bombay Probation of Offenders Act. There are also After Care Hostels where help is given to youths released from Certified Schools and the Borstal School at Kolhapur which is under the control of the Inspector General of Prisons. The Bombay Probation of Offenders Act is administered by District Officers called Chief Officers. The Chief Officers appointed in various districts under the Probation of Offenders Act are Government servants working directly under the Deputy Director of Social Welfare (Correctional Administration), except for the Chief Officer at Bombay, who is treated as on deputation to the Maharashtra State Probation and After Care Association on foreign service conditions. He is entrusted not only with work under the Probation of Offenders Act but with supervision and after care work in respect of children released from institutions recognised under the Bombay Children Act. Probation Officers appointed under the Probation of Offenders Act work under the control of Chief Officers. Some Probation Officers are Government servants deputed to the District Probation and After Care Associations or the Maharashtra State Probation and After Care Association on foreign service conditions. Others have been recruited direct by these Associations and they are not Government servants. The Deputy Director of Social Welfare (Correctional Administration) is the Secretary of the Maharashtra State Probation and After Care Association and he supervises the After Care work done in connection with licensees, which means children released on licence under certain conditions under the Bombay Children Act, the Probation of Offenders Act and the Borstal School Act. He has a separate office in the Correctional Wing, viz. the office of the Secretary, Maharashtra State Probation and After Care Association, and he has an Assistant Secretary to help him in this work.

(4) *The Habitual Offenders' Restriction Act*: Under this Act persons habituated to committing offences are interned in a colony or a settlement, where they are treated, trained and given work on stipends so that they should eventually adopt a settled mode of life. There is no settlement in Maharashtra at present for such offenders and they are interned in the Industrial and Agricultural Settlement, Bijapur, Mysore State. It is intended to establish a Settlement at Miraj.

(5) *Women's and Children's (Institutions) Licensing Act, 1956*: Under this Act every institution doing social welfare work among children, girls,

orphans and women and subsisting on public funds, is required to obtain a licence from the Director of Social Welfare. The idea is to preclude the possibility of any anti-social activity being conducted under the mask of social work.

Activities in Third Wing

The Third Wing deals with work which is mainly non-statutory in character. It includes work relating to the social and moral hygiene programme, consisting of State Homes, Reception Centres, District Shelters and the education and welfare of the physically handicapped. There are the following Government Institutions under the Moral and Social Hygiene programme:

(1) *State Homes*: There are two types of State Homes one for women rescued from moral danger, unmarried mothers or deserted women and the other for men released from Correctional Institutions, such as Prisons, Certified Schools, Certified Institutions and Beggars Homes.

(2) *Reception Centres*: These are meant to serve needy women and carry on rehabilitation work among women and girls who have been victimised or who have been released from institutions, including rescue homes and correctional institutions.

(3) *District Shelters*: These are meant for men discharged from correctional as well as non-correctional institutions like hospitals and infirmaries. Reception Centres and District Shelters are short stay institutions where inmates are accommodated for periods ranging up to three months, whereas State Homes admit persons from the Reception Centres and District Shelters who need prolonged vocational training to stand on their legs.

The State Homes, Reception Centres and District Shelters are Government institutions. Some voluntary agencies have been recognised as rescue homes for the purposes of grant-in-aid for the preventive and rescue work done by them. The Director of Social Welfare is responsible for work connected with the rehabilitation of women apprehended under the Suppression of Immoral Traffic in Women and Girls Act, 1958, and admitted to protective homes. Ten Reception Centres and three State Homes have been declared as protective homes under the Act. In addition, one protective home exclusively for the inmates apprehended under the Act has been opened in Bombay. In these protective homes, efforts are made to bring about reconciliation, where necessary and possible, teach some crafts, get the inmates married or get employment for them. The Deputy Director of Social Welfare (Correctional Administration) has been declared Chief Inspector under the Act.

The education and welfare of the physically handicapped is non-statutory work concerning the blind, the mute, the deaf and the orthopaedically

handicapped. There are six Government institutions and 31 voluntary agencies catering to the needs of such persons. The voluntary institutions receive grants from the Government on a prescribed scale. There is a Deputy Director for the Education and Rehabilitation of the physically handicapped. He organises medical and vocational rehabilitation of the physically handicapped people. There are several people who are statutory inmates housed in Certified Schools or Certified Institutions under the Bombay Children Act or the Bombay Prevention of Begging Act. The Deputy Director has to advise the Chief Inspector of Certified Schools and Certified Institutions regarding the vocational and medical rehabilitation of such inmates. The Deputy Director is a qualified doctor and he supervises the work of Medical Officers attached to Government Institutions.

The other work of the Third Wing relates to the grant of financial assistance to institutions like the Bharat Sevak Samaj, orphanages, women's institutions, working women's hostels, and preventive and rescue work organizations which undertake ameliorative work in respect of persons needing guidance and training. There are also certain other activities like youth welfare, and cultural and recreational programmes which are undertaken by this Wing. It sponsors youth hostels, camps, excursions, dances, concerts, theatricals, documentary and other cinema shows, hiking expeditions, wrestling bouts and other programmes for the physical and cultural development of the young people in particular and the adult public in general. It gives grants to encourage schools imparting instruction in dance, drama and music.

Headquarters organisation

At headquarters, the Director of Social Welfare, who is an officer belonging to the Indian Administrative Service, is assisted by a Deputy Director of Social Welfare (Correctional Administration), a Deputy Director of Social Welfare, Education and Rehabilitation of the Handicapped, and a Deputy Director of Social Welfare, Research, Planning and Statistics. Under the Deputy Director of Social Welfare (Correctional Administration) are an Assistant Director (Correctional Administration), an Assistant Director (Beggars Act), a Probation Superintendent and a Woman Inspector. Under the Deputy Director of Social Welfare, Education and Rehabilitation of the Handicapped, is a Medical Social Worker. Under the Deputy Director of Social Welfare, Research, Planning and Statistics, are an Assistant Director for Planning, a Statistical Officer and a Cultural Officer, who organises cultural programmes for the benefit of the tribal population. Other officers at headquarters are: (a) two Personal Assistants, one in charge of the Accounts Branch, the Registry and employment of backward classes, and the other in charge of establishment and organisation and methods work, (b) a Chief Audit and Accounts Officer, (c) an Officer on Special Duty in charge of the implementation of the recommendations of the Barve Committee relating to

the improvement of the living and working conditions of the conservancy staff of municipalities, (d) a Chief Research Officer who has the assistance of two Research Officers and who is in charge of the Tribal Research Unit which is engaged on a study of tribal customs, traditions, traits and characteristics, (e) two Assistant Directors of Social Welfare, one dealing with hostels and educational concessions and the other with the implementation of welfare plans and land matters, and (f) a Special Officer who deals with matters relating to scholarships awarded by the Government of India and the work of the Backward Class Recruitment Committee.

Field Staff

The field staff is organised on a regional basis under Divisional Social Welfare Officers at Bombay, Poona, Nagpur and Aurangabad. Under the Divisional Social Welfare Officer, Bombay, are a Social Welfare Officer for Greater Bombay whose duties relate to Backward Class Welfare (corresponding officers for the other districts are now under the *Zilla Parishads* as in other Divisions), a Vimukta Jati Welfare Officer who is responsible for the welfare of members of the *Vimukta Jatis* in the Division, and the Superintendents of the Beggars Homes for Males and Females at Chembur, the Beggars Reception Centre at Worli, the Leper Hospital at Pui in Kolaba District, the Beggars Home for Males at Nandurbar and the Protective Home under the Suppression of Immoral Traffic in Women Act at Bombay. Under the Divisional Social Welfare Officer, Poona, are a Nomadic Tribes Welfare Officer, who is responsible for the welfare of nomadic tribes throughout Western Maharashtra, Superintendents for the Yeravda Industrial School at Poona, which imparts training in handicrafts to children committed under the Children Act and to physically handicapped children, the State Homes at Poona and Kolhapur, and the Beggars Homes for Males at Visapur and Satara, an Additional Superintendent for the Beggars Home for Males at Visapur and a Head Master for the Backward Class Hostel at Poona. Under the Divisional Social Welfare Officer, Nagpur, are seven Area Organisers who are responsible for the welfare of Scheduled Tribes in three districts of Vidarbha, a Vimukta Jati Welfare Officer as in Bombay Division, Superintendents for the State Homes at Amravati and Nagpur and a Head Master for the Backward Class Hostel at Nagpur. Under the Divisional Social Welfare Officer, Aurangabad, are a Nomadic Tribes Welfare Officer for the Division, a Superintendent for the State Home at Aurangabad and a Head Master for the Backward Class Hostel at Aurangabad.

Chart

A chart showing the organisation of the Directorate is appended.

CHAPTER TEN

DEPARTMENTS AND OFFICES UNDER URBAN DEVELOPMENT AND PUBLIC HEALTH DEPARTMENT

(i) Medical Department

Functions

The Medical Department is responsible for : (a) the provision of medical care, but not including preventive services which are the responsibility of the Public Health Department; (b) the provision of free medical treatment to servants of the State Government and, subject to the terms and conditions agreed upon with the Central Government, to servants of that Government; (c) medical education, including the training of para medical personnel, such as dentists, nurses, midwives, laboratory and X-Ray technicians, occupational therapists, physiotherapists and pharmacists; (d) conduct of, and encouragement to, medical research; (e) the provision of medical benefits under the Employees' State Insurance Scheme to industrial workers in areas to which the scheme has been applied (at present Greater Bombay and environs, viz. Thana, Bassein, Kalyan and Bhiwandi Talukas, Sholapur City and Nagpur, Akola and Hinganghat in Vidarbha). At times of epidemics, the Department works in close liaison with the Public Health Department. The services of the Department, unlike those of most other Government departments, are additional and supplementary to those of private agencies and of local authorities. Thus, in addition to the services rendered by the Department, there are private medical practitioners and private hospitals and dispensaries run for gain or on a charitable basis and also municipal hospitals and dispensaries. A special feature of the Department is the extensive use made of the honorary services of private medical practitioners, mostly specialists, in Government hospitals and in Government medical colleges. The Central Government has also undertaken activities relating to medical relief, education and research through special institutions like the Tata Memorial Cancer Hospital and the Cancer Research Centre at Bombay and the Military Medical College at Poona which admits a certain number of non-military pupils. Though no clear line of demarcation can be discovered in respect of the activities of the various parties in the field, it is possible to say, so far as recent developments at any rate are concerned, that the State Government takes direct responsibility for medical education and research (shared, in the case of Greater Bombay, with the Bombay Municipality), special services on a regional basis, like mental hospitals and tuberculosis hospitals, hospital services at district headquarters which are beyond the resources of local authorities and which are meant for the whole district, and cottage hospitals which serve rural areas but are located at taluka towns.

The State Government has also assumed responsibility for socialised medicine, such as is provided under the Employees' State Insurance Scheme to insured industrial workers and their families. Local authorities are given every encouragement to undertake the provision of medical relief in their areas within their resources or to contribute towards the services rendered by the State Government. In particular, small municipalities are encouraged to maintain public dispensaries by providing them with medical officers drawn from the State Medical Services at subsidised rates. In rural areas, with the establishment of *Zilla Parishads* in May 1962, the responsibility for the execution of certain Government schemes of medical relief has been transferred to the *Parishads*. The schemes so transferred are the following: (a) taluka dispensaries, including upgrading of taluka dispensaries, (b) hospitals, other than Civil and Cottage hospitals and specified big Government hospitals, (c) subsidised medical practitioners' centres, (d) grant of financial assistance for anti-rabic treatment and of aid to charitable hospitals, dispensaries, maternity homes and such other institutions, and (e) rural medical relief centres and public medical relief. Conditions have been laid down to ensure that the schemes are not prejudicially altered, that the facilities for free treatment enjoyed by Government servants are maintained and that post-mortem and other medico-legal work does not suffer. It has also been provided that the *Zilla Parishads* should act on the technical guidance given by officers of the Medical Department.

Headquarters organisation

At the head of the Medical Department is the Surgeon General with the Government of Maharashtra. He is assisted at headquarters by four Deputy Directors of Health Services, who, prior to December 1962, functioned as divisional supervisory officers with responsibility for control over the medical officers in charge of the districts and certain special institutions in their divisions. Such control is now centralised in the office of the Surgeon General, though each Deputy Director continues to look after matters pertaining to a single division, excepting certain institutions and services specified below which are under the direct control of the Surgeon General. In addition to the Deputy Directors of Health Services, the Surgeon General has the assistance of a Superintendent of Nursing Services, a non-technical Personal Assistant of Class I status, five non-technical Personal Assistants of Class II status, one of whom functions as Organisation and Methods Officer, and a Controller of Audit and Accounts of Class I status controlling three audit squads. The office is divided into eighteen branches, including a Cashier's Section.

Institutions and services directly under control of Surgeon General

Under the direct control of the Surgeon General are: (a) five Medical Colleges at Bombay, Poona, Miraj, Nagpur and Aurangabad, (b) four teaching hospitals attached to the medical colleges at Bombay, Poona, Nagpur and

Aurangabad, the teaching hospital attached to the Medical College at Miraj being under private management, (c) three large hospitals in Bombay City, viz. the St. George's Hospital, the G. T. Hospital and the Cama and Albless Hospitals for women, (d) a Government Dental College and Hospital at Bombay, (e) a Government Homoeopathic Hospital at Bombay, (f) a College of Nursing at Bombay, and (g) a Police Hospital at Bombay. Also directly under the control of the Surgeon General are the Presidency Surgeon, who is responsible for medical attendance on Government servants stationed in Greater Bombay and the examination of entrants to Government service, and the Administrative Medical Officer responsible for supervising the medical benefits provided to insured industrial workers under the Employees' State Insurance Scheme.

Organisation for medical benefits under Employees' State Insurance Scheme

The medical services provided under the Employees' State Insurance Scheme in Greater Bombay and contiguous areas to insured industrial workers and members of their families are provided at: (a) the clinics of insurance medical practitioners on whose panels they are registered (these are private medical practitioners who undertake to take insured workers and their families on their panels on payment by the State Government of a fixed capitation fee per family and an allowance for drugs, etc.); (b) diagnostic centres at which facilities for X-Ray and specialist examination and laboratory investigation are available; and (c) recognised hospitals (including the Mahatma Gandhi Memorial Hospital, Bombay, and the Employees' State Insurance Scheme Hospital, Worli) where persons entitled to medical treatment may be treated as in-patients when necessary. Domiciliary visits, free ambulance service, maternity services and free supply of drugs are also provided for. For the present, hospitalisation is available only to insured workers themselves and not to members of their families. The organisation under the Administrative Medical Officer for the Bombay region consists of six Medical Inspectors, one Personal Assistant, one Senior Accounts Officer, one Accounts Officer, a Records Officer and a number of ministerial officers. There are more than 1,545 insured medical practitioners and an appropriate number of specialists attached to the diagnostic centres. In Sholapur City the medical benefits are provided through two dispensaries maintained by the State Government and manned by full-time staff and through the clinics of about forty-seven insurance medical practitioners who are authorised to enlist insured industrial workers and members of their families on their panels. These practitioners are remunerated as in Greater Bombay. There is also at Sholapur a diagnostic centre at which facilities for specialist examination and laboratory and X-Ray investigation are provided. For cases requiring hospitalization accommodation is made available at the Civil Hospital and at the Dhanrajgirji Hospital. In Nagpur, Akola and Hinganghat, the medical benefits are provided through dispensaries maintained by the State Government and manned by full-time

staff in the employment of the State Government (nine dispensaries in Nagpur, two in Akola and two in Hinganghat). The administrative staff at Nagpur consists of a Personal Assistant to the Administrative Medical Officer, and some ministerial officers. The dispensary staff consists of Medical Officer in Class II and Class III service, and Compounders, Laboratory Technicians, Nurses, Midwives-cum-Health-Visitors, Midwives, Health Visitors, Dressers, and ministerial personnel.

District Organisation

Outside Greater Bombay there is in each district a Civil Surgeon directly under the control of the Surgeon General. He is in charge of the Government Hospital at district headquarters, except at Poona, Nagpur and Aurangabad, where the headquarters hospitals are attached to Medical Colleges, and controls all other hospitals in the district which are maintained or aided by the State Government, including Cottage Hospitals, except the special institutions mentioned below which are controlled from headquarters by the Deputy Directors of Health Services. He is responsible for medical attendance on Government servants, the examination of entrants to Government service and Government servants for fitness certificates, medico-legal work connected with the administration of justice, medical inspection of factories and medical attendance at prisons in the district without whole-time Medical Officers of their own. Under the Civil Surgeons in the various districts are twenty-three hospitals at district headquarters, two Tuberculosis Hospitals (at Amravati and Gondia), nine Cottage Hospitals, twenty-eight other Government hospitals and twelve Government dispensaries or clinics. Under the supervision of the Civil Surgeons are 140 municipal, private and mission hospitals and 145 such dispensaries, clinics etc. In districts in which administrative work is heavy, the Civil Surgeons have the assistance of non-technical Personal Assistants in Class II service.

Special institutions under Deputy Directors of Health Services

Under the control of the Deputy Directors of Health Services are : (a) four Mental Hospitals at Yeravda (Poona), Thana, Ratnagiri and Nagpur, (b) four Tuberculosis Hospitals at Aundh (Poona), Buldhana, Ambajogai and Nagpur (T.B. Centre and Training Centre) and (c) four hospitals for women in Vidarbha at Amravati, Akola, Nagpur and Khamgaon.

Personnel of department

The personnel of the Department is made up of members of the Maharashtra Medical Service in three Classes, all of whom have medical qualifications, members of the General State Service, mostly consisting of specialists and teachers in Medical Colleges engaged on a whole-time basis, officers of gazetted rank without medical qualifications for administrative

work, nursing staff, physio-therapists, occupational therapists, social workers, compounders and pharmacists, laboratory and X-ray technicians, hospital attendants and ministerial personnel. The total whole-time staff numbers more than 14,000. There are also more than four hundred and thirty honorary medical officers serving in the hospitals and medical colleges.

Advisory Committee

At each of the Government Hospitals in Greater Bombay, there is a Committee of not more than twelve members, including the Superintendent, Honorary Medical Officers according to the subjects of their speciality and full time professors, which is responsible for : (a) making recommendations for appointments on the honorary staff, (b) making recommendations in respect of bequests for educational purposes, and (c) considering matters relating to medical education. At each Cottage Hospital, Women's Hospital, Tuberculosis Hospital and other medical institution, there is a Committee consisting of the Superintendent or Medical Officer as Chairman and representatives of the local branches of the Indian Medical Association and of the District Red Cross Society, if any, a representative of the local municipal body and six non-officials as members. The functions of the Committee are to consider and suggest means for improving the management of the hospital and to advise the Superintendent in matters of the administration of medical aid in general. Such Committees are also constituted for District Hospitals. They have the Civil Surgeon as Chairman and also have a representative of the *Zilla Parishad* for the district in which the hospital is situated, in addition to the municipal representative.

Chart

A chart showing the organisation of the Department is appended.

(ii) Public Health Department

Functions

The Public Health Department is concerned with preventive health services and with combined curative and preventive health services provided at rural primary health centres. The Department is responsible for prevention and control of communicable diseases like cholera, small-pox, malaria, filaria, leprosy, etc., control over epidemics, environmental hygiene and sanitation, safeguarding of purity of water supply and checking adulteration of food by providing facilities for chemical and bacteriological analysis of samples, and provision of training for public health workers, including sanitary inspectors, public health nurses and maternity and child health workers. The improvement of vital statistics, the organisation of school health services, the implementation of the UNICEF Skim Milk Feeding Programmes for expectant and

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| Civil Hospital, Thana | Civil Hospital, Alibag | Civil Hospital, Ratnagiri |
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nursing mothers and for school children and family planning are also responsibilities of the Department.

Responsibility of local authorities

The primary responsibility in many of the matters mentioned above rests with local authorities, particularly in urban areas, and the Department of Public Health plays mainly an advisory and inspecting role in respect of these areas, though the special organisations of the Department, such as the public health laboratories and the vaccine institute, render service to urban as well as rural areas. Even in rural areas, a substantial part of the primary responsibility now rests on the *Zilla Parishads* established in May 1962. In particular, responsibility for the following has been transferred to the *Parishads*:

- (a) primary health centres, combined medical and public health units and maternity and child welfare centres;
- (b) mobile hygiene units;
- (c) vaccination;
- (d) school health services;
- (e) anti-yaws measures;
- (f) maintenance of medicine boxes in villages.

In making the transfer it has been provided that: (i) material changes in the conduct of these services should not be made without the approval of the State Government; (ii) reports on the work done should be submitted; and (iii) the technical advice of the Director of Public Health and of officers under him should be followed. *Zilla Parishads* have also been entrusted, as agents of the State Government, with the execution of schemes relating to : (a) leprosy colonies, grants-in-aid to district level institutions for leprosy work and survey, education and treatment units for leprosy attached to primary health centres or dispensaries, and (b) family planning clinics and grants to family planning institutions whose activities are confined to the district. The conditions mentioned above apply to these agency functions as well.

Direct responsibility of Department

The Department is, however, directly responsible for the following :

- (a) execution of national malaria eradication and filaria control programmes through special units;
- (b) supervision of the national small-pox eradication programme;

- (c) measures for control over leprosy to supplement the work of local authorities;
- (d) family planning work to supplement the work of local authorities as part of a centrally sponsored programme, including the conduct of regional centres for training family planning workers;
- (e) conduct of public health laboratories at Poona, Aurangabad, Nagpur and Amravati for the analysis of samples of food and water as well as chemico-bacteriological examination of samples of blood, sputum, urine, etc., referred to the laboratories by primary health centres;
- (f) conduct of training courses for sanitary inspectors at Poona and Nagpur and the provision of Public Health orientation training to nurses and health workers at regional training units and the Public Health Institute, Nagpur;
- (g) provision of emergency mobile hospital units for control of epidemics;
- (h) provision of sanitary arrangements and prevention of epidemics during fairs, *melas*, etc;
- (i) organisation of emergency health services in areas visited by famine or scarcity;
- (j) conduct of a Vaccine Institute at Nagpur for the manufacture of vaccine lymph for supply to Gujarat and part of Madhya Pradesh, in addition to meeting the needs of Maharashtra;
- (k) conduct of a Health School at Nagpur;
- (l) conduct of public health propaganda;
- (m) conduct of special health units at a few centres;
- (n) maintenance of vital statistics;
- (o) provision of expert guidance to local authorities and factories in matters of sanitation and hygiene;
- (p) procurement of UNICEF assistance for various health services eligible for international aid and ensuring proper distribution and utilisation of such assistance.

Organisation

The Director of Public Health has his headquarters at Poona. Below him are four regional Deputy Directors, each in charge of an administrative Division, and one functional Deputy Director, with headquarters at Poona, in

charge of malaria eradication and filaria control. There are also the following functional officers directly below the Director :

- (a) Assistant Director in charge, Public Health Laboratory, Poona, who is also responsible for the Regional Food Laboratory at Amravati and the Regional Public Health Laboratory at Aurangabad.
- (b) Assistant Director in charge, Vaccine Institute and Public Health Laboratory at Nagpur.
- (c) Assistant Director, Bureau of Health Education, at Nagpur.
- (d) Assistant Director, Maternity and Child Health, stationed at Nagpur for work in the Nagpur and Aurangabad Divisions.
- (e) Special Leprosy Officer at Poona.

In the headquarters office, which is divided into twelve branches, the Director has the assistance of the following officers:

- (i) Assistant Director (Head quarters);
- (ii) Assistant Director, Vital Statistics and Epidemiology;
- (iii) Assistant Director, Maternity and Child Health;
- (iv) Assistant Director, National Small-pox Eradication programme;
- (v) Officer-in-charge, Family Planning;
- (vi) Audit Officer;
- (vii) Two non-technical Personal Assistants.

Field Staff : Regional

The field staff of the Directorate is organised partly under the Deputy Directors of Public Health for the several Divisions and partly under the functional Deputy or Assistant Directors or other specialist officers. But many of the activities for which the functional officers are responsible are carried out under the supervision of the divisional Deputy Directors, though the functional officers are responsible for technical supervision, coordination and administrative matters. Much of the work supervised by the divisional Deputy Directors of Public Health is now the primary responsibility of *Zilla Parishads*, each of which has the services of a Government officer on deputation designated as Public Health Officer. In each Division, under the Deputy Director of Public Health are Mobile Hospital Units, one each in Bombay, Poona and Aurangabad

Divisions and two in Nagpur Division. These units move wherever needed in the Division to deal with outbreaks of epidemics and provide hospitalisation and isolation for epidemic cases in rural areas. They are equipped with tents, transport beds and other equipment and with a supply of drugs. They are manned by medical officers, nurses, ward boys and ayahs and are capable of being divided into separate small teams to facilitate dispersal in affected areas. In the Bombay, Poona and Nagpur Divisions there are, in addition, Health Units under a Medical Officer of Health at Palghar, Sirur and Saoner, respectively. These Units serve as comprehensive health centres for the areas in which they are situated. The Medical Officer of Health is assisted by an Assistant Medical Officer, Public Health Nurses, Health Visitors, Nurse-midwives, Midwives, Sanitary Inspectors and other staff. The Units also provide refresher courses for health workers in rural areas and Public Health orientation courses for nurses and other para medical personnel. They provide housemanship training in rural medicine and hygiene to post-M.B.B.S. students under the compulsory rotating housemanship programme. Under the Family Planning Programme, there are thirty-four family Planning Centres attached to the Civil Hospitals and other major hospitals in the State. Corresponding activity in rural areas is, as mentioned earlier, now entrusted to *Zilla Parishads*, but it may be mentioned that under the Intensive Family Planning Programme, 471 rural Family Planning Centres have been opened, with 1,413 sub-centres. Each Division has a number of Leprosy Control Units, consisting of a Medical Officer, an Assistant Medical Officer, a compounder and other staff. There are four such units in Bombay Division, five in Poona Division, six in Aurangabad Division and ten in Nagpur Division. There are also two hundred Leprosy Survey, Education and Treatment Units working under the *Zilla Parishads*. In each Division except Bombay, there is stationed an Assistant Leprosy Officer for supervision and coordination and as a link with the Special Leprosy Officer. At Gondia in Bhandara District there is a training centre for Leprosy Assistants which provides a six month course in the pathological, clinical and therapeutic aspects of leprosy and in the measures to be taken to detect cases. In the Poona Division is stationed an Officer on Special Duty who is responsible for the distribution of UNICEF Skim Milk. This Officer, though placed under the Deputy Director of Health, Poona Division, functions for the whole State. In Poona and Aurangabad Divisions, there are Bureaux for Health Education and Propaganda which arrange cinema shows and small health exhibitions at places where fairs and melas are being held. At Nagpur, there is a Health School which until recently conducted courses for health visitors but which now provides training for the Certificate in Public Health Nursing.

Field Staff : functional

Outside the regional organisation described above is the staff directly under the functional officers. The Deputy Director of Public Health, Malaria

and Filariasis, is assisted by four Regional Malaria Officers, one for each Division. For Malaria eradication, there are thirty National Malaria Eradication Programme Units situated throughout the State. Each unit covers a population of one million. It is under a Medical Officer and includes an Assistant Unit Officer, four Malaria Supervisors, four Malaria Inspectors, four to six Malaria Technicians, twenty field workers and one hundred mazdoors. There are also thirty-three Malaria Surveillance Units, each covering a population of one million, consisting of twenty-five Malaria Surveillance Inspectors and about one hundred Malaria Surveillance Workers. There are also at headquarters an Entomological Assistant and a Junior Entomologist. Each unit is provided with clerical assistance. For Filariasis Control, there are complete units in the Nagpur and Chanda Districts, a half-unit in the Thana District and a one-third unit in the Bhandara District. The Nagpur and Chanda Units are under Filariasis Officers of gazetted rank, who are each assisted by a Research Officer and an Entomological Assistant. The Thana Unit, which is at present working in the Bassein area, has a Research Officer in charge, and the Bhandara one-third unit has a Filariasis Inspector in charge. The remaining staff in the units is partly seasonal and partly employed throughout the year and is engaged on entomological observation, mass therapy and anti-larval work. The Assistant Director of Public Health in charge of Public Health Laboratory, Poona, is also in charge of the Regional Food Laboratory at Amravati and the Regional Public Health Laboratory at Aurangabad. The Laboratories at Amravati and Aurangabad are under Chief Chemists. The expansion of the Bureau of Health Education which functions at present at Nagpur under the Assistant Director of Public Health, Health Education and Health Museum, and its transfer to Poona are under consideration. The Public Health Institute which functions at Nagpur under a Principal conducts a one-year course for Sanitary Inspectors. It admits seventy-five students a year.

Chart

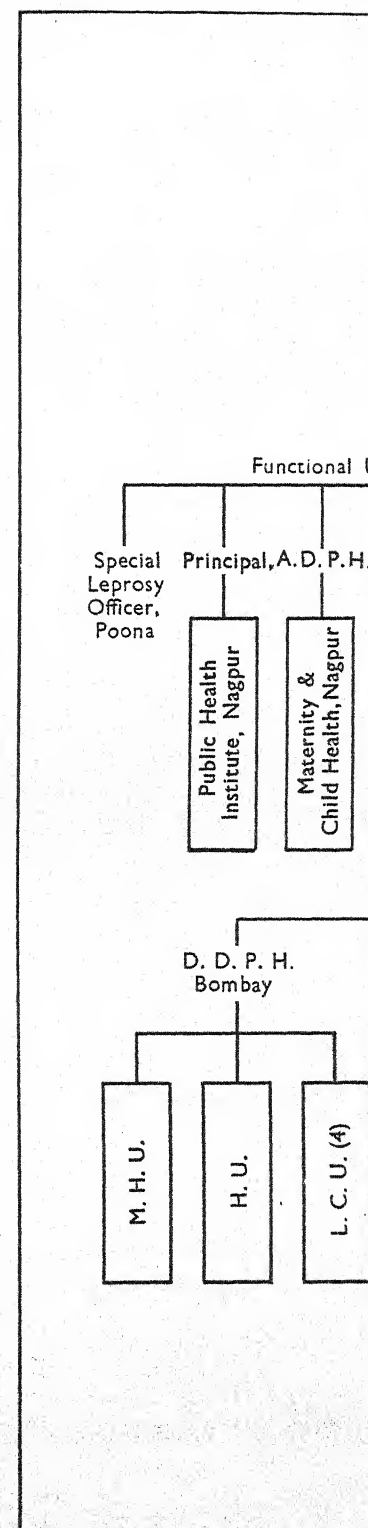
A chart showing the organisation of the Department is appended.

(iii) Haffkine Institute

Functions

The Haffkine Institute started as a laboratory for investigating the epidemiology and prophylaxis of plague and has developed into one of the largest centres in India for medical research and for the manufacture of vital biologicals. The Director of the Institute has the powers of a Head of Department directly responsible to the State Government. The Institute collaborates actively in the field of medical research with national and international bodies such as the Indian Council of Medical Research, the World Health Organisation, the Rockefeller Foundation, etc. The Institute has four main functions,

viz. (a) medical research, (b) training of research workers, (c) manufacture and supply of vital biologicals and (d) provision of diagnostic aids, the manufacture of diagnostic reagents for testing pathological specimens and the testing of drugs. As a medical research centre the Institute is affiliated to the University of Bombay for post-graduate training for the degrees of M.Sc. and Ph.D. in Microbiology, Bacteriology, Biochemistry, including Nutrition, Zoology and Organic Chemistry and for the degrees of M.Sc. (Medical) and Ph.D. in Pathology, Bacteriology, Parasitology and Pharmacology. The Institute is also recognised for postgraduate courses by the College of Physicians and Surgeons. Research fellowships at the Institute are awarded out of the endowments for research at the Institute and also by the Indian Council of Medical Research, the Council of Scientific and Industrial Research, State and Central Governments and by private industry. The Institute conducts long term and short term training courses for science graduates to equip them as laboratory technicians. The Institute comprises ten technical departments and, in addition, administrative, purchase and sales, and engineering sections and an animal house. In the Department of Immunology, sera, antitoxins and toxoids are manufactured for supply to hospitals in the State and outside, and research is conducted in the production of biologicals with special reference to biochemical and immunological aspects. A developing feature of the department is a laboratory at Pimpri where the Institute maintains a farm for the immunisation of horses needed for its serum work. At the laboratory it is proposed to produce biologicals on a large scale. The Department of Biochemistry includes a Nutrition Section responsible for carrying out clinical nutritional research, laboratory investigations and human feeding trials. It helps hospitals and other institutions in the formulation of standard diets and it carries out diet and nutrition surveys. For instance, it helped in the planning of satisfactory mid-day meals for the clerical staff of the Sachivalaya at the canteen run by the State Government. The Biochemistry Section proper of the Department is concerned with all biochemical work of the Institute. It carries out biochemical tests for clinical diagnosis on behalf of hospitals and the medical profession. The Department of Chemotherapy manufactures sulpha and vitamin drugs and disinfectants for supply to hospitals and dispensaries. The Department of Clinical Pathology produces various cultures for microbiological assays, dead emulsions, High Titre Sera, Antigens, Venom solution, stains and other diagnostic reagents for supply to hospitals and private manufacturing firms. The Department of Entomology collects venom from four varieties of poisonous snakes maintained by it. The venom is supplied to the Immunology Department and other laboratories for the manufacture of antivenin and for purposes of research or therapeutic use. The Department also carries out studies on fleas, rats, scorpions, snakes, etc. The Department of Pharmacology conducts research on pharmacological properties of synthetic compounds and Indian medicinal plants. It functions as the Drugs Testing Laboratory under the Drugs and Cosmetics Act, 1940, for the States of Maharashtra and Gujarat, and also does testing for the Prohibition and



Excise and the Police Departments, Government institutions and hospitals and private individuals. The Department of Bacteriology manufactures and supplies plague, typhoid and cholera vaccines. Another section of the Department manufactures and supplies (i) various media required for the manufacture of vaccines, (ii) other media used for diagnostic work and sterility tests and (iii) parenteral preparations such as normal, hypertonic and glucose salines, glucose solutions, protein hydrolysate and distilled water. The Department of Virology prepares antirabic vaccine for treatment of dog-bite cases. It also prepares vaccine against Asian influenza. It conducts studies in various infections and is a corresponding laboratory of the World Influenza Centre. All the Departments mentioned above are engaged in research in the fields of their responsibility and provide training to post-graduate students and research workers. In addition to the Departments named, the Institute includes a Blood Bank Department which produces blood plasma for free supply to charitable hospitals and for sale. Here too provision is made for imparting training to medical officers and laboratory technicians in Blood Bank technology. The Blood Bank also undertakes the lyophilization (freezing-drying) of other products manufactured in the Institute, such as antivenin, hyperimmune serum and Schick toxin.

Organisation

Under the Director of the Institute are nine Assistant Directors each in charge of one of the Departments described above. A tenth Assistant Director is in charge of administration, with responsibility for maintenance of plant and machinery with technical assistance, for supervising the Animal House where the various animals needed for laboratory use are kept, for running the Library of about 20,000 books and for handling matters relating to research schemes, training activities, scholarships and fellowships. The office administration is the responsibility of the Personal Assistant to the Director. The Personal Assistant is also responsible for ensuring that the requirements of the Factories Act, which is applicable to the manufacturing activities of the Institute, are complied with. There is a Labour Welfare Officer who is responsible for the welfare of the staff. The Director also has the assistance of a Business Manager who supervises the purchase of materials, including imports, costing and accounting, maintenance of stores, sales and stocking of the products of the Institute. The staff of the Institute numbers more than 1,200, including 70 gazetted officers, ranging from officers with highly specialised medical or scientific qualifications to veterinary surgeons, a business manager, a cost accounts officer, a labour welfare officer and a statistician.

Committees connected with Institute

Connected with the administration of the Haffkine Institute is a State Advisory Board consisting of eight experts in the field of medical research,

including the Director of the Institute as Member-Secretary. This Board advises in matters of research and development of a scientific nature. The State Government has also set apart a special fund called the Haffkine Institute Research and Development Fund and a Committee has been set up called the Haffkine Institute Research and Development Fund Committee, with the Minister for Health as Chairman, consisting of non-officials as well as officials, to manage the endowment for research and to authorise and regulate expenditure from the Fund. The Director of the Institute is also a member of this Committee.

(iv) Directorate of Ayurved

Functions

The Directorate of Ayurved was constituted as an independent department a few years ago. Before this was done the Surgeon General with the Government of Bombay was responsible for all matters relating to the Ayurvedic systems of medicine. The function of the Directorate of Ayurved is to control Ayurvedic institutions belonging to the State Government, deal with matters relating to such institutions aided by the State Government, advise the State Government as to measures for the encouragement and promotion of Ayurved and serve as the executive agency for carrying out such measures. Until 1962 the Directorate was responsible for running 75 Ayurvedic and Unani dispensaries in the rural areas and aiding 295 others, but the responsibility for these has now been transferred to *Zilla Parishads*, though they are still liable to be inspected by officers of the Directorate. The institutions directly run by the State Government include two Ayurvedic Colleges, one at Bombay and one at Nanded, and three Ayurvedic Hospitals, one at Bombay, one at Nanded and one at Nagpur. Research is conducted at two Government Centres, viz. the R. R. A. Podar Ayurvedic Research Institute, Bombay, and the Ayurvedic Ward of the Sassoon Hospitals, Poona, consisting of twenty beds. Aid is also given for research at the Universal Health Institute, Bombay. A Government Ayurvedic and Unani Pharmacy is maintained at Nanded and a Pharmacy Storage of Ayurvedic Herbs and Shrubs at Karad. Recently a depot has been established at Bombay for supplying to chemists under the Employees' State Insurance Scheme ayurvedic medicines manufactured at the Pharmacy at Nanded. Sixteen private Ayurvedic Colleges with attached Hospitals, two private Ayurvedic Hospitals and one private Ayurvedic dispensary are given grants-in-aid and supervised by the Directorate.

Organisation

Under the Director of Ayurved are two Assistant Directors, one at Poona, with jurisdiction over the Bombay and Poona Divisions, and one at Nagpur, with jurisdiction over the Nagpur and Aurangabad Divisions. At

headquarters the Director has the assistance of a Personal Assistant, under whom are two Superintendents and a small ministerial staff. Each Assistant Director has the assistance of a Personal Assistant and a small ministerial establishment. The R. A. Podar Medical College, the M. A. Podar Hospital, and the R. R. A. Podar Ayurvedic Research Institute at Bombay and the Government Ayurvedic College, Government Ayurvedic Hospital and Government Ayurvedic Pharmacy at Nanded are, however, under the direct control of the Director of Ayurved and not under the regional Assistant Directors. The three institutions at Bombay are under the charge of a Principal-cum-Superintendent as are the three institutions at Nanded. The staff at Bombay and Nanded consists of Professors, Lecturers, Medical Officers, Vaidyas, Registrars, Housemen, Tutors, Demonstrators, Research Workers, Technicians, X-Ray Assistants, Matrons, Sisters, Staff Nurses, Theatre Assistants, Ward Servants, etc., numbering about three hundred and ninety-five, including four honorary officers of Class I status, and seventeen Class II officers. Under the Assistant Director of Ayurved at Poona comes the Ayurvedic Research Ward of twenty beds at the Sassoon Hospitals which has two Honorary Officers of Class I status, one Class II officer and a number of other officers and servants. Under him also comes the Pharmacy Storage of Ayurvedic Herbs and Shrubs at Karad which has a small subordinate staff. Under the Assistant Director of Ayurved at Nagpur comes the Ayurvedic Hospital of which the out-patients department has been in operation since March 1962 and which will have one hundred beds when completed.

(v) Drugs Control Administration

Functions

The Drugs Control Administration is responsible for enforcing the provisions of the Drugs and Cosmetics Act, 1940, and the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954. Its main functions in respect of the Drugs and Cosmetics Act, 1940, are: (a) to detect and investigate cases of manufacture and sale of spurious and adulterated drugs and cosmetics; (b) to license premises where drugs and cosmetics are manufactured or sold; (c) to inspect licensed premises; (d) to evaluate reports of the Government Analysts under the Act in respect of drugs and cosmetics and to recommend corrective action where necessary; and (e) to check labels for various drugs and cosmetics with reference to the requirements of the law. In respect of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, it is the function of the Administration to scrutinize advertisements appearing in newspapers, periodicals and journals published in the State and to institute proceedings in respect of advertisements which offend the law. The Administration also collaborates with other agencies for the more effective enforcement of the Poisons Act, the Dangerous Drugs Act, the Bombay Prohibition Act, and the Bombay Drugs (Control) Act, and gives technical

advice to pharmaceutical manufacturers for improvement of the layout, equipment or manufacturing processes of their factories. Licensing of manufacture involves close inspection of plants, study of manufacturing processes and testing of equipment. Licensing of sales premises involves check on storage arrangements and on dispensing, compounding and sale of poisons and dangerous drugs and the qualifications of those performing these operations. Samples are taken of drugs in the market and in hospitals for check, and prosecutions are instituted where hazards to health are involved. Less serious violations are dealt with by suspension of licences or destruction of sub-standard drugs. Particular vigilance has to be exercised, in view of prohibition, on the manufacture and sale of tinctures which are liable to be misused as intoxicants. For this purpose, the Drugs Control Administration assists the Board of Experts appointed under the Bombay Prohibition Act by assuming administrative responsibility for the technical investigations involved. The Secretary of the Board of Experts, a Technical Officer, a Pharmaceutical Chemist and other staff required for the purpose are, therefore, part of the Drugs Control Administration. The Drugs Control Administration is not itself responsible for the testing of drugs governed by the Drugs and Cosmetics Act, 1940, since such testing has to be completely independent. The testing of samples of biological and non-biological products taken by officers of the Drugs Control Administration is, therefore, done in a separate wing of the Haffkine Institute, Bombay, under an Assistant Director (Pharmacology).

Organisation

At the head of the Administration is the Director, Drugs Control Administration. Under the Director are seven Assistant Directors, of whom one is in charge of the Greater Bombay area, one is in charge of the Bombay administrative Division, excluding Greater Bombay; and three in charge of the remaining three administrative Divisions of the State, viz. Poona Division, Nagpur Division, and Aurangabad Division. The powers of the licensing authority have been delegated to these five Assistant Directors for their respective areas in respect of sale of drugs, the Director being the licensing authority in respect of manufacture. The sixth Assistant Director is in charge of the enforcement of the Drugs and Magical Remedies (Objectionable Advertisements) Act, 1954, throughout the State and he is also Establishment Officer. The seventh Assistant Director is in charge of cosmetics. It may be explained that the regional distribution of work relating to the Drugs and Cosmetics Act, 1940, does not apply to inspection of the manufacture of drugs. Such inspection is centrally regulated from Greater Bombay under the control of the Director. The headquarters establishment of the Director includes a Law Officer, a Technical Officer, an Accounts Officer and a Senior Drugs Inspector. Under the Senior Drugs Inspector is an Intelligence Branch manned by two Drugs Inspectors and some Watchers who concentrate on investigation of offences. Help in such investigation in Greater Bombay is provided by a

special section in the Crime Branch of the Criminal Investigation Department of the Greater Bombay Police Force. The headquarters establishment also includes an Office Superintendent with an Establishment and Accounts Section and Miscellaneous Section under him. For the purpose of State-wide inspection of manufacture, the Director has the assistance of a Senior Drugs Inspector and a Drugs Inspector. For other licensing and inspection work, he has a number of Drugs Inspectors at headquarters as well as in the districts. Under the Assistant Director for Greater Bombay and Thana District, there are eleven Drugs Inspectors stationed at Bombay for Greater Bombay and the district of Thana. Under the Assistant Director for Bombay Division (excluding Greater Bombay and Thana District) there are four Drugs Inspectors, one stationed at Pen for Kolaba District, one at Nasik for the districts of Nasik and Dhulia and one each for the districts of Jalgaon and Ratnagiri stationed at district headquarters. At divisional headquarters there is a ministerial staff dealing with the issue of licences and correspondence. The Assistant Directors for the Poona, Nagpur and Aurangabad Divisions each have at divisional headquarters the assistance of a Senior Drugs Inspector, one or two Drugs Inspectors and a small clerical establishment. The Poona Division has four Drugs Inspectors, two stationed at Poona for the districts of Poona and Ahmednagar, one at Sholapur for the districts of Sholapur and Satara and one at Kolhapur for the districts of Kolhapur and Sangli. The Nagpur Division has five Drugs Inspectors, two stationed at Nagpur for Nagpur, Bhandara, Wardha and Chanda Districts, one stationed at Akola for the Akola and Buldhana Districts, one stationed at Amravati for that district and one stationed at Yeotmal for that district. The Aurangabad Division has three Drugs Inspectors, one stationed at Aurangabad for that district, one stationed at Nanded for the districts of Nanded and Osmanabad and one stationed at Bhir for the districts of Bhir and Parbhani. It is expected that in the near future each district will have a Drugs Inspector of its own.

(vi) Town Planning and Valuation Department

Functions

The functions of the Town Planning and Valuation Department fall under two main heads, viz. land development for non-agricultural purposes and valuation of real property. Under the first head come: (a) the provision of expert guidance, assistance and encouragement to local authorities in the preparation of development plans and town planning schemes under the provisions of the Bombay Town Planning Act, 1954, and similar legislation, including the provision of expert personnel for carrying out the duties of Town Planners in respect of draft town planning schemes; (b) the preparation of development schemes or layouts of lands belonging to the State Government or a cooperative society or, with the sanction of the State Government, a private

party; (c) giving advice in respect of village planning and preparation of layouts for model villages; (d) giving advice on housing, slum clearance, regional planning and prevention of ribbon development; (e) preparation of type designs for middle and lower class housing; (f) scrutiny of building permission cases and layouts forwarded by the Collectors for advice and advising regarding suitable building regulations; (g) issue of certificates of tenure and title to owners of lands included in town planning schemes; (h) preparation of layouts of industrial estates and defence projects when required. Under the second head, viz. valuation of real property, come: (a) valuation of lands and properties of the Government in towns and villages proposed to be sold or leased out; (b) valuation of Government and *Zilla Parishad* properties for purposes of municipal rating; (c) valuation for purposes of cantonment leases, probate or stamp duty, fixation of non-agricultural assessment, fixation of standard tables of ground rents and land values in cantonment areas and hill stations and laying down zones of values in villages and in the environs of growing towns; (d) scrutiny of compensation awards; (e) provision of technical assistance for land acquisition, including the giving of expert evidence in courts and the provision of preliminary estimates of value to acquiring authorities, and (f) undertaking valuation work, on payment of fees, for the railways and other departments of the Central Government and for private bodies. As most local authorities lack expert staff, the preparation of development plans for municipal areas under the provisions of the Bombay Town Planning Act, 1954, has fallen on the Town Planning and Valuation Department, and the rest of the work in respect of town planning schemes up to the stage of final sanction to the schemes is also entrusted to the Department. Almost invariably the Town Planning Officer who has to be appointed by the State Government for working out the details of a town planning scheme, including the valuation of property in the scheme area, the calculation of the amount of compensation for land appropriated for the purposes of the plan, etc., is an officer of the Town Planning and Valuation Department, though in a few cases the services of retired officers have been utilised.

Organisation

At the head of the Department is the Director of Town Planning, Maharashtra State, with headquarters at Poona. There are branch offices at Bombay, Kalyan, Poona, Kolhapur, Sholapur, Jalgaon, Aurangabad, Amravati and Nagpur and subsidiary offices at Satara, Ahmednagar and Nanded. The location of the branch and subsidiary offices is determined by the volume of work in particular areas, and some of them are intended for four to five districts. At headquarters the Director has the assistance of an Assistant Director of Town Planning who also functions as Personal Assistant to the Director. He also has the assistance for four Town Planners. The branch office at Bombay is under a Deputy Director of Town Planning assisted by a Town Planner. The Branch offices at Poona, Kolhapur, Jalgaon, Aurangabad,

Amravati and Nagpur are each under an Assistant Director of Town Planning assisted by a Town Planner. The branch offices at Kalyan and Sholapur are each under an Assistant Director of Town Planning. The subsidiary offices at Satara, Ahmednagar and Nanded are each under a Town Planner. In addition to the branch and subsidiary offices there are special offices for specific assignments. At Bombay there is a Deputy Director of Town Planning who functions as full-time Town Planning Officer for a number of draft town planning schemes in the suburbs of Bombay. At Bombay and at Poona there are Assistant Directors of Town Planning who have been entrusted with the work of preparing, under a scheme sponsored and financed by the Central Government, regional plans for the Bombay-Panvel and the Poona regions. At Shirampur in Ahmednagar District there is an Assistant Director of Town Planning who functions as whole-time Arbitrator for the Draft Town Planning Scheme, Shirampur No. 1. One Special Land Acquisition Officer of the rank of Town Planner is stationed at Bombay and three Special Land Acquisition Officers of the same rank are stationed at Poona to cope with the heavy land acquisition work at those places. In addition, four other officers of the Department function as Land Acquisition Officers at Bombay, Poona, Sholapur and Satara in addition to their normal departmental duties. Three Officers of the Department, viz. an Assistant Director of Town Planning and two Town Planners, are attached to the Revenue and Forests Department of the Secretariat to expedite disposal of land acquisition references. One officer of the rank of Town Planner is attached to the Rural Housing Cell in the Rural Development Department to prepare layouts of villages under the village projects scheme. An Assistant Director of Town Planning is attached to the office of the Collector of Bombay and Bombay Suburban District to assist in valuation work in that office. Altogether there are thirty-five officers of gazetted rank in the Department. The lower staff at headquarters and in the branch and other offices of the Department numbers about three hundred, including Assistant Town Planners, Surveyors, Draftsmen, Tracers, Head Clerks and Clerks.

(vii) Special Engineer (Reclamation)

Organisation

In the description of the Urban Development and Public Health Department of the Secretariat mention has been made of the Special Engineer (Reclamation) who, though posted in the Secretariat and functioning under the direct control of the Secretary to Government in the Department, performs duties which are not strictly those of a Secretariat officer but relate to the planning and carrying out of schemes for the reclamation and development of land in Greater Bombay, pending the constitution of a statutory corporation for the purpose. Under this officer, but stationed outside the Secretariat, there existed until June 1963 a Reclamation Project Division under an Executive

Engineer, with three Sub-Divisions, each under a Deputy Engineer. The Division was entrusted with four reclamation schemes, viz. (a) filling in Blocks III, IV, V and VI of the unfinished Backbay Reclamation Scheme, (b) reclamation of low-lying and marshy land north of Mahim Creek between Bandra and Kurla, (c) reclamation of salt-pans and low-lying and marshy lands between Wadala and Chembur and (d) reclamation of foreshore land along Napean Sea Road, including provision of Malabar Hill Tunnel. In 1963 this Division was held in abeyance and the work of the Division was entrusted to the Thana Creek Bridge Division constituted in the Buildings and Communications Department for the construction of a bridge across the Thana Creek. This Division, under an Executive Engineer, and containing five Sub-Divisions, each under a Deputy Engineer, has recently been transferred to the control of the Special Engineer (Reclamation) and, therefore, has now temporarily taken the place of the Reclamation Projects Division. It has also recently been decided to constitute under the Special Engineer (Reclamation) another Division, called the Bassein Clerk Tunnel Division, for executing the Bassein Creek Tunnel Project. For the present, the Executive Engineer, Thana Creek Bridge Division, also looks after the work of the new Division.

CHAPTER ELEVEN

DEPARTMENTS AND OFFICES UNDER FINANCE DEPARTMENT

(i) Sales Tax Department

Laws administered by Department

The main functions of the Sales Tax Department relate to the administration of laws relating to Sales Tax, including the following enactments and the rules framed thereunder:

- (1) The Bombay Sales Tax Act, 1959, including earlier enactments,
- (2) The Central Sales Tax Act, 1956,
- (3) The Bombay Sales of Motor Spirit Taxation Act, 1958,
- (4) The Maharashtra Purchase Tax on Sugarcane Act, 1962,
- (5) The Maharashtra Agricultural Income Tax Act, 1962.

Under the Bombay Sales Tax Act, 1959, some goods are wholly free from sales tax, some are subject either to sales tax or to general sales tax, and some to sales tax, general sales tax and retail sales tax at various stages. Sales tax is levied at the point of the first sale and general sales tax at the last sale on wholesale basis. The rates vary according to the class of goods. Retail sales tax is levied at the uniform rate of one quarter of one per cent of the turnover of sales of the particular group of goods. The Central Sales Tax Act, 1956, provides for the levy of sales tax on inter-State sales and the State Governments are enabled to collect the tax and retain the proceeds. The Bombay Sales of Motor Spirit Taxation Act, 1958, levies sales tax on motor spirit, which includes high speed diesel oil, aviation motor spirit, vaporising oil and petrol. The Maharashtra Purchase Tax on Sugarcane Act, 1962, levies a tax on sugarcane purchased for the manufacture of sugar. The Commissioner of Sales Tax is the Commissioner of Purchase Tax under the Act and the Sales Tax Officers are Purchase Tax Officers. The Maharashtra Agricultural Income Tax Act, 1962, levies tax on agricultural incomes in excess of Rs. 36,000 in a year. The Commissioner of Sales Tax is the Commissioner of Agricultural Income Tax under the Act and the Sales Tax Officers function as Agricultural Income Tax Officers. Certain functions in respect of earlier legislation which has been replaced by the Bombay Sales Tax Act, 1959, continue to be carried out by officers of the Department and their power to do so has been preserved by law.

Functions and powers of Commissioner of Sales Tax

The Commissioner of Sales Tax is the statutory head of the Sales Tax Department and is responsible for administering the Bombay Sales Tax Act, 1959, and carrying out its provisions throughout the State. He exercises certain statutory powers under the Act, like the determination of disputed questions pertaining to certain matters of law and hearing appeals and revision applications. For work relating to establishment matters, recovery of arrears and inspection of officers there is an Additional Commissioner of Sales Tax. The Commissioner of Sales Tax is assisted at headquarters by a Deputy Commissioner and two Personal Assistants. The Additional Commissioner of Sales Tax is assisted at headquarters by an Assistant Commissioner and an Organisation and Methods Officer. The head office consists of eleven sections with superintendents, assistant superintendents, clerks, stenographers and other ministerial staff. There are also several Sales Tax Inspectors in the head office.

Staff at divisional level

For administrative purposes the State has been divided into five divisions. Three of these Divisions are restricted to Bombay City, namely, Bombay City, Division I, Bombay City, Division II, and Bombay City, Division III. The other two Divisions are for the rest of the State, namely, the Central Division, with headquarters at Poona, and the Eastern Division, with headquarters at Nagpur. In addition to these five administrative Divisions, there is a special Division for Bombay City called the Bombay City Division (Enforcement), which is responsible for the detection and investigation of cases of evasion of sales tax. Owing to the very large scale of business operations in the City this work cannot be carried out by the staff in the three administrative Divisions. Similarly, the work of dealing with appeals and revision applications is entrusted in Bombay City to three special Appellate and Revision Divisions. Each administrative and special Division is under a Deputy Commissioner of Sales Tax. These officers are divisional heads and they exercise the powers and carry out the duties and functions delegated to them under various laws.

Staff below divisional level

The administrative Divisions and the Enforcement Division have been divided into suitable administrative units called Ranges and each Range is under an Assistant Commissioner of Sales Tax. The Assistant Commissioners attend to the administration of the laws in their jurisdiction and inspect subordinate offices. In particular, they seek to ensure that important matters such as assessments, registration, recovery of sales tax dues, refunds and enforcement are attended to by the Sales Tax Officers. The Assistant Commissioners also attend to appeals. They have powers of revision *suo motu*

and are competent to reopen cases of dealers when necessary either on information received from the officers concerned or the public or as a result of their own scrutiny. There are no Assistant Commissioners in the three Appellate Divisions. Each Assistant Commissioner has several Sales Tax Officers to assist him and each Sales Tax Officer has been given a suitable number of Sales Tax Inspectors in the non-gazetted cadre to help in the verification of the account books of the dealers. Altogether there are twenty-five Assistant Commissioners of Sales Tax, of whom seventeen are attached to the various Divisions in Bombay City, three are in the Central Division and four are in the Eastern Division. The Sales Tax Officers are invested with powers under the Bombay Sales Tax, 1959, and the other Acts mentioned above from time to time by delegation made by the Commissioner of Sales Tax. They can assess the amounts due from dealers in their respective charges. Outside Greater Bombay each Sales Tax Officer is generally in charge of one revenue district. In Greater Bombay a Sales Tax Officer is in charge of a municipal ward or wards. The functions of the Sales Tax Officers relate to the registration of dealers, verification of books of accounts of the dealers for the purpose of assessment and recovery of Sales Tax, enquiries regarding the liability of the dealers to pay tax and transfer of business. They have to detect and investigate evasion of tax or defaults committed by the dealers. They have to ensure that all exemptions granted under the Acts and Rules are properly availed of by the dealers and their liabilities correctly imposed. In addition to assessment, the Sales Tax Officers are largely concerned with the recovery of sales tax dues found payable by the dealers after assessment. If the dues are not recovered on service of notice of demand, steps have to be taken for effecting recovery by moving the revenue authorities. The Sales Tax Officers have also to keep watch on the submission of quarterly returns by dealers and payment of tax prior to assessment and report the defaulters for penal action to higher authorities. Altogether there are more than 173 Sales Tax Officers.

Staff for work before the Sales Tax Tribunal

For the proper presentation of the case of the Department in appeals before the Sales Tax Tribunal, there is a Special Deputy Commissioner of Sales Tax who is designated Government Agent before the Sales Tax Tribunal. He is assisted by four Sales Tax Officers who are designated Additional Government Agents.

Chart

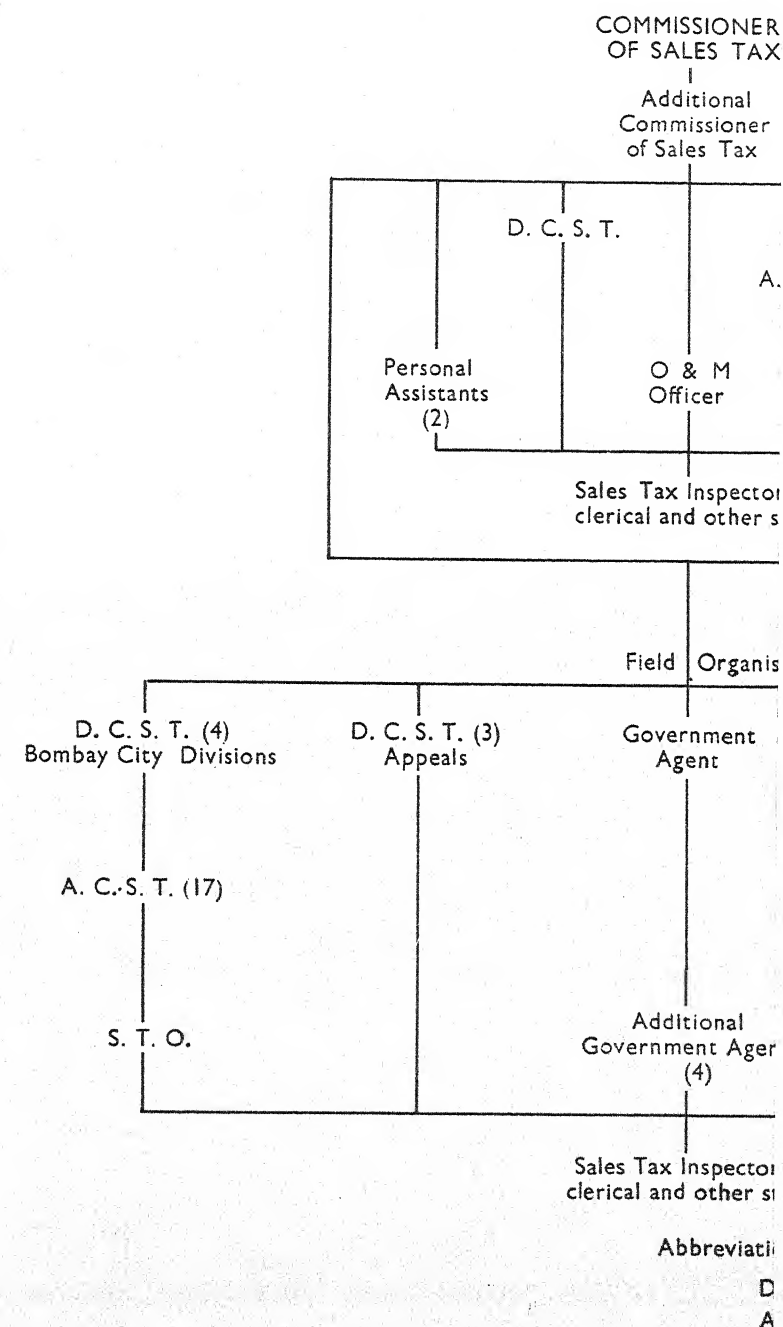
A chart showing the organisation of the Department is appended.

*(ii) Directorate of Accounts and Treasuries**Establishment of Directorate*

The Directorate of Accounts and Treasuries was established on 1st January 1962. Before this date there were various offices and organisations

dealing with the accounts of government transactions and the audit of the accounts of local authorities under the direct control of the Secretary to Government, Finance Department, as Head of Department. Earlier still, the treasury establishment had been separated from the district revenue establishment under the Collectors with effect from 1st April 1955, and a separate cadre of Treasury Officers, called the Bombay State Accounts Service, was formed under the control of the Finance Department. The Pay and Accounts Office, Bombay, was similarly set up on 1st April 1955 to do the headquarters payment work on account of the State as well as the Central Government (except where a Central Government Department had its own organisation for the purpose) which was previously done by the Accountant General, Bombay, and was placed under the direct administrative control of the Finance Department. The Local Fund Audit Department, which inspects and audits the accounts of local bodies like municipalities and school boards and which was under the control of the Accountant General, Bombay, was taken over under the direct control of the Finance Department on 1st May 1958. The Finance Department also used to conduct Accounts Training Classes since 1957 in order to impart training in accounts matters to treasury clerks, who are required to pass a departmental examination in accounts. Similarly there were separate sections in the Finance Department known as Vigilance Sections since 1957 which tried to secure scrupulous observance by the administrative departments of the rules and instructions laid down by Government with regard to proper budgeting and effective control over expenditure. The Vigilance Sections also pursued pending pension cases and audit objection items to ensure that they were disposed of as quickly as possible. There was also a Stores Verification Wing in the Finance Department which undertook the physical verification of stocks and stores of different departments and a critical examination of stores accounts. It was the duty of this Wing to point out the defects in the system of control of stores and stores accounts and make suggestions for improving them in order to minimise losses and check malpractices. All these offices and organisations were functioning independently of each other. Each of them had separate cadres of similar or equivalent posts with a separate set of recruitment rules. Persons holding posts in these offices and organisations, though possessing more or less common basic knowledge of accounts and equipped to hold posts of similar nature, could not be transferred from one organisation to another. The result was that some of the offices and organisations had a shortage of qualified hands, while in some others there were no prospects of promotion for qualified persons. In order to remedy these defects and to facilitate the appointment, promotion and transfer of qualified personnel from one of these offices to another, and to relieve the Secretary to Government, Finance Department, of his duties as Head of Department in respect of all these offices and organisations, it was decided to bring all of them into a single Directorate and to prescribe similar rules and pay scales for posts of similar nature and of equal responsibility.

ORGANISATION CHART DEPARTMENT



Structure and functions

The Directorate of Accounts and Treasuries was thus formed with its head office at Bombay. The Director of Accounts and Treasuries is the head of the department and he is *ex-officio* Joint Secretary to Government in the Finance Department. The Directorate deals with treasury procedure, amendments to the Bombay Treasury Rules, recruitment rules of the Maharashtra Accounts Service and rules for the departmental examinations in accounts. At headquarters the Director is assisted by a Deputy Director of Accounts and Treasuries and an Assistant Director of Accounts and Treasuries. The office is divided into two branches manned by Superintendents, Assistant Superintendents, Accountants, an Inspector of Stores, Stock Verifiers and other ministerial staff. In addition to its administrative and supervisory functions the head office is directly responsible for vigilance and stores verification work pertaining to government offices in Greater Bombay. Directly under the head office are two Accounts Officers (Training) for conduct of accounts training classes. Directly under the head office are also the Pay and Accounts Officer, Bombay, who is assisted by seven Assistant Pay and Accounts Officers, the Chief Auditor, Local Fund Accounts, who is assisted by nine Deputy Chief Auditors and twenty-six District Audit Officers. There are two regional offices at Nagpur and Poona, each under a Deputy Director of Accounts and Treasuries who is declared as Regional Head. The jurisdiction of the Regional Deputy Director at Nagpur covers Nagpur and Aurangabad Divisions, while that of the Regional Deputy Director, Poona, covers Poona and Bombay Divisions, excepting Greater Bombay. Under each Regional Deputy Director is a Treasury Officer for each district. At every taluka or tahsil headquarters there is a sub-treasury. Except for twenty-four sub-treasuries, the local mamlatdar or tahsildar has responsibility for supervision over the treasury staff. In twenty-four sub-treasuries, the control of the local mamlatdar or tahsildar has been withdrawn from 1st April 1964 and a separate sub-treasury officer of non-gazetted rank in the cadre of Treasury Deputy Accountant has been placed in charge. The Regional Deputy Director is required to inspect all district treasuries and a number of sub-treasuries in his region each year. He is responsible for watching the progress of disposal of audit objections and inspection reports, as well as pending pension cases in government offices in his region. He also watches the timely completion of reconciliation of departmental expenditure with the figures booked in the Audit Registers by every Controlling Officer in his region. With the help of the Stores Verification Units under him, he undertakes physical verification of stocks and stores and examination of stores accounts in respect of government offices and institutions within his region. The stocks and stores of all offices under the administrative control of the Home Department, the Agriculture, Food and Cooperation Department, the Education and Social Welfare Department, the Urban Development and Public Health Department, the Buildings and Communications Department and the Irrigation and Power Department are subject to physical verification.

(iii) Bureau of Economics and Statistics

Functions

The Bureau of Economics and Statistics was established in November 1946 as the central statistical organisation of the State Government. The main functions of the Bureau are: (a) to collect and compile statistics required for the formulation of development schemes and for taking policy decisions, and (b) to coordinate the working of the statistical sections of the several departments of Government. The Bureau acts as a coordinating agency which provides technical guidance to all the statistical authorities of the State, measures the progress of plan schemes, carries out large scale sample surveys to find out changes in the socio-economic conditions of the people and undertakes quantitative evaluation of specific projects. The Bureau compiles statistical information on specific activities of Government, publishes statistical data and acts as the central tabulation unit for advanced tabulation. It also acts as a liaison between Central and State Governments on statistical matters and is generally responsible for the improvement in accuracy and coverage of statistics collected in the State.

Structure and distribution of work

The Bureau is under a Director who is assisted at headquarters by two Joint Directors, six Deputy Directors, several Research Officers and Statistical Officers and an Establishment Officer. Posts of Additional Director and three Senior Research Officers have also been sanctioned to man an Economic Wing which is being organised in the Bureau. There are various sections in the office and each section is entrusted with some specific activity. One Joint Director is in charge of the Evaluation Section which designs and conducts surveys on specific problems for assessing the impact of the Five Year Plan Schemes. The Joint Director also deals with the technical aspects of all sample surveys. The other Joint Director has two Deputy Directors under him, one for Coordination and the other for Planning. There are four sections under the Deputy Director, Coordination, viz. Publications, Small Savings, Village Panchayat Statistics and State Income. The Publications Section acts as the repository of information on all topics of interest to the State Government. It deals with the statistics of subjects which are not specifically allotted to any other section. It brings out an economic review of the year and publishes an annual Statistical Abstract and a quarterly bulletin of the Bureau. The Small Savings Section deals with statistics relating to collections and withdrawals under the Small Savings Scheme. The Village Panchayat Section collects information about the activities of Village Panchayats in the State and prepares an annual report. The State Income Section compiles the yearly State income for Maharashtra State. The Deputy Director, Planning, looks after the Planning Section and the Natural Resources

Cell. The Planning Section deals with the collection of statistics relating to the Five Year Plans. The Natural Resources Cell collects statistics of material resources of the State from various departments. There are four other Deputy Directors in the head office. The first is the Deputy Director, Administrative Intelligence and Statistics relating to *Zilla Parishads*. There are three sections under him. The Administrative Intelligence Section analyses statistics relating to Community Development and *Zilla Parishad* activities. The Survey and Research Section is responsible for carrying out *ad-hoc* surveys on different problems arising from time to time. It has carried out surveys relating to small scale and cottage industries, scarcity areas, irrigation and backward tribes. The reports on these surveys have been published in the quarterly bulletin of the Bureau. The Sales Tax Section analyses Sales Tax collections on different items in different zones of the State and prepares an annual report on the subject. The Deputy Director, Economics and Miscellaneous Statistics, is in charge of two sections, the Economic Division Section and the Public Finance Section. The Economic Division Section works out index numbers of retail prices, prepares a report on the annual survey of industries and has undertaken preliminaries for preparing an index of industrial production. A small cell has been included in the Section to deal with demographic studies. The Section has recently undertaken one per cent sample survey of population. After the declaration of emergency, it has started collecting retail prices of certain commodities in urban and rural areas and a weekly note based on the information is submitted to Government. The Public Finance Section maintains detailed information about the revenue and expenditure of the State Government. It prepares an economic classification of the State budget on the lines of a similar publication of the Government of India. It carries out a detailed analysis of expenditure by heads and by areas. It brings out an annual Budget-in-Brief at the time of the budget session of the State Assembly. There are two sections under a Deputy Director which deal with the conduct of National Sample Survey in the State. Information on various topics collected under the National Sample Survey is analysed and reports on specific inquiries are prepared. It may be stated that the sample size covered in the scheme is just sufficiently large to produce reliable estimates at State level. In order to have the results at the divisional level, the sample size has been doubled. The Deputy Director, Agricultural Economics, undertakes original research in agricultural economics and studies all agricultural developments. He conducts an economic survey of agricultural conditions in the State every year and brings out an annual publication on the agricultural situation in the State. He will come under the Additional Director in the new Economic Wing which will begin functioning as soon as the Additional Director and three Senior Research Officers are appointed. The Economic Wing will undertake a fuller and more detailed interpretation of the data available to the Bureau, which has hitherto concentrated on the development of statistics. Such interpretation will help in the formulation of plans and provide a greater understanding of the impact of the Five Year Plans on the economy. The

Machine Tabulation Section under a Research Officer is equipped with tabulation machinery. The information collected under the various surveys is passed on to the punch cards and sorted and tabulated on mechanical equipment.

Regional and district offices

The Bureau has four Regional Offices at Bombay, Poona, Aurangabad, and Nagpur, each under a Deputy Director. Under them there are District Statistical Officers, each in charge of a district. The District Officers collect statistics relating to Five Year Plan schemes at the district level. They prepare statistical abstracts and socio-economic reviews for their districts and also collect *ad-hoc* statistical information required by the Bureau from time to time. They supervise the work of Statistical Assistants in the Community Development Blocks and help the District Collectors in all statistical matters. The Deputy Directors guide the District Statistical Officers in their work and help the Divisional Development Council in planning. There is a Statistical Officer (Inspection) posted in every region who supervises the field work of the National Sample Survey in his jurisdiction.

(iv) Directorate of Small Savings

Functions

The main function of the Small Savings Directorate is to raise internal resources through savings for financing the development plans of the State. The State Government gets from the Government of India 66½% of the net investment within the State as a development loan of long duration. The Government of India bears 50% of the entire expenditure on the authorised establishment of the Small Savings Directorate and reimburses the expenditure on publicity up to a certain limit.

Parallel Central Government Organisation

There is an organisation of the Government of India for National Savings consisting of a Regional Director, National Savings, and a Deputy Regional Director, National Savings, at Bombay and seven Assistant Regional Directors in Greater Bombay and some other areas. The organisation also includes City Organisers for Greater Bombay and District Organisers for mofussil areas.

Headquarters structure of Directorate

The officers and field staff of the National Savings Organisation work in coordination with the State Directorate which is headed by the Secretary to Government, Finance Department, as *ex-officio* Director of Small Savings. A Deputy Secretary to Government in the Finance Department is the

Joint Director of Small Savings. There are a Small Savings Officer and a Special Officer, Prize Bonds, and also some non-gazetted staff in the Finance Department. The rest of the staff of the Directorate does not belong to the Secretariat cadre.

Activities

The Publicity Unit attached to the Small Savings Scheme publishes a monthly magazine "Small Saver" in English and "*Alp Bachat*" in Marathi. It undertakes publicity by advertisements, handbills, films and exhibitions. *Shibirs* are held in various districts to publicise the Small Savings Scheme and train the agents. There are 18,000 agents who operate actively for obtaining investments in small savings and about 1,100 of them are in Greater Bombay alone. The State target is broken up into district targets and districts with outstanding collection performances get *ad-hoc* grants. A Trophy is allotted to the district which comes first in point of collection in the whole State and a cup is awarded to each district which fulfils its target. Individual efforts of agents are recognised by complimentary letters. The Commissioners of Divisions and the Collectors are in charge of the Small Savings Movement in the areas under their jurisdiction and they have been given some staff for this work. The work is extremely important because the Small Savings Scheme really serves a dual purpose. It inculcates a habit of thrift in the masses and it also helps to find funds for the development of the State. The Government of Maharashtra has evolved various schemes like Pay Roll Savings Scheme, Daily Collections Small Savings Scheme and the scheme of linking land revenue with the 10 year Defence Deposit Certificates for helping the Small Savings movement.

Field staff

The Director of Publicity is *ex-officio* Joint Director of Small Savings, and under him is a Publicity Officer, Small Savings. There are Deputy Directors for Small Savings for Greater Bombay and for the Poona Division, excluding Poona City. The Bombay Division, excluding Greater Bombay, the Nagpur Division, the Aurangabad Division and Poona City each has an Assistant Director of Small Savings. Each district has a Small Savings Mamlatdar under the control of the Collector.

(v) Registrars of Firms

Functions

The function of the Registrar of Firms is to register partnership firms under the Indian Partnership Act, 1932, and to maintain a permanent record about them. Changes in the constitution of firms occurring from time to time are recorded on notification in the registers of the respective firms maintained

in his office. Certified copies of documents showing particulars of firms registered under the Indian Partnership Act, 1932, are issued by the Registrar of Firms on request from the public. The work of registration of corporations promoting commerce, industry, literature, art, science, diffusion of useful knowledge and maintenance of libraries, museums and such other purposes under the provisions of the Bombay Non-trading Corporations Act, 1959, in Western Maharashtra is entrusted to the Registrar of Firms at Bombay by declaring him Registrar under the Act.

Organisation

There are three Registrars of Firms in the State of Maharashtra, viz. Registrar of Firms, Bombay, with jurisdiction in Western Maharashtra, Registrar of Firms, Nagpur, with jurisdiction in Vidarbha and Registrar of Firms, Aurangabad, with jurisdiction in Marathwada. Only the Registrar of Firms, Bombay, is a full-time officer. At Nagpur and Aurangabad one of the Assistant Commissioners under the Divisional Commissioner is notified as Registrar of Firms. The Registrar of Firms, Bombay, acts as the controlling officer in respect of the budget grants of all three Registrars. He has a small ministerial establishment under him. The Registrar of Firms, Nagpur, has the assistance of an *awal karkun* and a clerk. The Registrar at Aurangabad has no separate establishment for this work.

CHAPTER TWELVE

DEPARTMENT AND OFFICE UNDER BUILDINGS AND COMMUNICATIONS DEPARTMENT

(i) Buildings and Communications Department (Executive)

Executive functions of the Department

The executive responsibility of the Buildings and Communications Department is partly that of rendering service to the various departments of the State Government in the matter of buildings and of providing services and amenities to the public in the matter of buildings, roads and bridges. Every department of the State Government requires buildings to house its offices and also residences for some of its employees, ranging from *Raj Bhavan* to quarters for police constables and hospital attendants. In addition to office and residential buildings, the activities of Government require the construction and maintenance of hospitals, laboratories, workshops, warehouses, schools, colleges, libraries, museums and even theatres. All work pertaining to the construction and maintenance of public buildings is concentrated in the Buildings and Communications Department, except in isolated cases where it is found administratively convenient to leave the responsibility with the department concerned. The Department is also responsible for providing amenities to road travellers and to touring officers of Government in the form of inspection bungalows, travellers bungalows and rest houses. A recent development is the provision of amenities for tourists and holiday makers in the form of holiday camps at hill stations and health resorts. In the matter of roads and bridges, the Department is responsible for construction and maintenance of roads and bridges which are of some importance. Certain national highways are the responsibility of the Central Government, but, in practice, the Buildings and Communications Department is entrusted with the work of construction and maintenance on an agency basis. With the establishment of *Zilla Parishads* in May 1962 there has been some curtailment of the direct responsibility of the Department. The construction, maintenance and repairs of village roads, and the construction, maintenance and repairs of other district roads and major district roads (including bridges thereon), with certain exceptions, is now the responsibility of *Zilla Parishads*, subject to certain conditions. Maintenance of roadside trees in the vicinity of village and district roads and public ferries have also become the responsibility of *Zilla Parishads*. Superintending Engineers in the Buildings and Communications Department, however, retain responsibility for the distribution of budget allotments for works and establishment to *Zilla Parishads*, the scrutiny of projects costing Rs. two lakhs or more, the preparation of budgets and for watching progress. In addition to buildings and roads, the Department is responsible for: (a) the

provision and maintenance of electrical installations in Government buildings and (b) the management of parks and gardens vesting in the State Government. For fulfilling these responsibilities the Department has specialised self-contained agencies under the Electrical Engineer to Government and the Superintendent of Parks and Gardens.

Organisation : Buildings and Roads

The Department is under the control of the Chief Engineer (Buildings and Communications) whose functions have already been described in the section of Chapter 4 relating to the Buildings and Communications Department of the Secretariat. The headquarters organisation serving the Chief Engineer has also been described there. The field organisation under the Chief Engineer, so far as his main responsibilities, viz. buildings and roads (including bridges), are concerned, consists of five territorial Circles and two functional Circles each under a Superintending Engineer. Each territorial Circle has a certain number of Divisions under Executive Engineers, some of the Divisions being territorial in character and others functional. Divisions are further divided into Sub-Divisions each under an Assistant Engineer or a Deputy Engineer. Some of these Sub-Divisions again are territorial, some functional. The Superintending Engineer in charge of a Circle is responsible for administration and general professional control over public works carried out by officers of the Department within the Circle. He has to inspect works and check the necessity and adequacy of the staff engaged. He has powers of internal transfer of officers below the rank of Executive Engineer, and also certain powers of according technical sanction to works. He has powers of appointment to Class III and Class IV posts. His responsibility extends to supervision over accounting and maintenance of stores and stocks. The Executive Engineer is responsible for the execution of works and for maintenance of buildings and works in his division and for protecting Government lands and properties from encroachment. Accounts of works are maintained by the Executive Engineer with the help of an Accountant who is deputed from the establishment of the Accountant General, Maharashtra State, and who also carries out a pre-audit on behalf of the Accountant General.

Territorial Circles

The territorial Circles under the Chief Engineer are as follows :

- (a) Bombay Circle, consisting of Greater Bombay, Ratnagiri District and part of Kolaba District, with responsibility for some road works in Thana District and for civil works for the Ports Organisation (entrusted to a Marine Construction Division);
- (b) Central Circle, consisting of Poona, Sholapur, Satara, Sangli and Kolhapur Districts (in this Circle one of the Divisional Executive

Engineers has responsibility for a few minor irrigation works in addition);

- (c) Nasik Circle, consisting of Thana District, part of Kolaba District, Nasik District, Jalgaon District, Dhulia District and Ahmednagar District;
- (d) Amravati Circle, consisting of Amravati District, Yeotmal District, Akola District, Buldhana District, Nagpur District, Wardha District, Chanda District and Bhandara District;
- (e) Aurangabad Circle, consisting of Aurangabad District, Parbhani District, Nanded District, Osmanabad District and Bhir District.

Functional Circles

The two functional Circles for buildings and roads under the Chief Engineer are a Designs Circle and a National Highways Circle, each under a Superintending Engineer. The Designs Circle is responsible for: (i) preparing designs and estimates for major bridge works throughout the State, inspecting such works under execution and giving advice to local Executive Engineers whenever needed about such works; (ii) preparing structural designs for R.C.C. and steel framed structures of major building works throughout the State; (iii) advising on problems of construction and soundness arising in the course of additions and alterations to existing buildings; (iv) handling work relating to the All India Schedule of Rates and (v) preparing designs for harbour engineering works of the Ports Organisation. The National Highways Circle has been set up for the more expeditious completion of construction work on certain national highways in Maharashtra State. Whatever does not come within the special responsibility of one or the other of these functional Circles is the responsibility of the territorial Circles, which, however, include within themselves, as already mentioned, certain functional Divisions and/or Sub-Divisions for road projects or construction of specialised works or machinery and tools.

Divisional organisation of territorial Circles

The territorial Circles have a varying number of Divisions, each under an Executive Engineer. Each Division again has a varying number of Sub-Divisions, each under an Assistant Engineer in Class I Service, who is in most cases a direct recruit to Class I awaiting promotion as Executive Engineer, or a Deputy Engineer in Class II Service. Generally in each Circle there is one functional Division for important road projects throughout the Circle. In some Circles there are functional Divisions for specific major road or building projects. A special feature of the Central Circle is a Mechanical Sub-Division attached to Circle headquarters and also a Training Class in Accounts at headquarters. Similarly, the Aurangabad Circle has attached to

the Circle headquarters a Mechanical Sub-Division under a Deputy Engineer. The following list of existing Divisions in the State shows how the number and diversity of Divisions varies according to the extent and complexity of building and road activity in the areas covered.

A — BOMBAY CIRCLE

(1) Presidency Division for Greater Bombay, comprising five Sub-Divisions, including one for Steel Purchase and one for management of the Development Department Chawls, and two sections, one under the Manager, Majestic Hostel, and one under the Assistant Manager, M.L.A.'s Hostel.

(2) Construction Division for Greater Bombay, comprising five Sub-Divisions.

(3) Ratnagiri Division for Ratnagiri District and part of Kolaba District, comprising four Sub-Divisions.

(4) Road Projects Division, Thana, covering the whole Circle, comprising three Sub-Divisions.

(5) West Coast Road Division, Ratnagiri, comprising six Sub-Divisions, including a Survey Sub-Division.

(6) Marine Construction Division, Ratnagiri, for civil works pertaining to the Ports Organisation with three Sub-Divisions.

B — CENTRAL CIRCLE

(1) Poona Division, for road and building projects, comprising five Sub-Divisions, including a special Sub-Division for Government House.

(2) Poona Construction Division for building construction in Poona, comprising four Sub-Divisions.

(3) Sholapur Division for Sholapur District, comprising five Sub-Divisions, including two for minor irrigation tanks (Mangi Tank and Budhial Tank). Note :— This is the only Division which is concerned with minor irrigation, which is generally the responsibility of the Irrigation and Power Department if not of the *Zilla Parishad*.

(4) Satara Division for Satara District and part of Poona District, comprising five Sub-Divisions.

(5) Kolhapur Division for Kolhapur District, comprising four Sub-Divisions.

(6) Miraj Division for Sangli District, comprising four Sub-Divisions.

(7) Road Projects Division, with eight Sub-Divisions, including one for building projects, one for road works, and one for agricultural building projects.

C — NASIK CIRCLE

(1) Thana Division for Thana District and part of Kolaba District, comprising four Sub-Divisions.

(2) Dhulia Division for Dhulia District, comprising five Sub-Divisions.

(3) Nasik Division for Nasik District, comprising five Sub-Divisions, including one for Bridges and one Mechanical Sub-Division.

(4) Jalgaon Division for Jalgaon District, comprising five Sub-Divisions, including one Minor Irrigation Investigation Sub-Division.

(5) Ahmednagar Division for Ahmednagar District, comprising five Sub-Divisions, including one for bridge construction, one for road projects and one for road construction.

(6) Road Projects Division for the whole Circle, with five Sub-Divisions.

D — AMRAVATI CIRCLE

(1) Amravati Division for the Amravati and Yeotmal Districts, comprising five Sub-Divisions.

(2) Akola Division for the Akola and Buldhana Districts, comprising five Sub-Divisions, including one for construction.

(3) Nagpur Division No. I for Nagpur District (Part) and Wardha District, comprising six Sub-Divisions.

(4) Nagpur Division No. II for part of Nagpur District and Bhandara District, comprising four Sub-Divisions.

(5) Chanda Division for Chanda District, comprising four Sub-Divisions.

(6) Road Projects Division, Amravati, for road project works in Amravati, Akola, Buldhana and Yeotmal Districts, comprising five Sub-Divisions.

(7) Road Projects Division, Nagpur, for road project works in Nagpur, Bhandara, Chanda and Wardha Districts, comprising four Sub-Divisions.

(8) Refugee Rehabilitation Division, Chanda, for work relating to settlement of displaced persons from Pakistan.

E — AURANGABAD CIRCLE

(1) Aurangabad Division for Aurangabad District, comprising four Sub-Divisions. In addition, this Division has attached to it two Municipal Engineers of the rank of Deputy Engineer, one at Aurangabad and one at Jalna. These Engineers are appointed by the State Government for duty with the municipalities concerned.

(2) Osmanabad Division for Osmanabad and Bhir Districts, comprising five Sub-Divisions. In addition, this Division has attached to it three Municipal Engineers, one at Latur of the rank of Deputy Engineer, and one at Bhir and one at Osmanabad of the rank of Overseer.

(3) Parbhani Division for Parbhani District, comprising four Sub-Divisions. In addition this Division has attached to it a Municipal Engineer of the rank of Deputy Engineer at Parbhani.

(4) Nanded Division for Nanded District, comprising four Sub-Divisions. In addition, this Division has attached to it two Municipal Engineers, one at Nanded of the rank of Deputy Engineer and one at Hingali of the rank of Overseer.

(5) Special Buildings Division at Aurangabad, comprising three Sub-Divisions, including one for the Marathwada University.

(6) Road Projects Division for the whole Circle at Jalna, comprising three Sub-Divisions.

Staff

The staff pattern is not uniform. At Circle headquarters there is generally a Personal Assistant of the rank of Deputy Engineer, a drawing office under a Head Draftsman, some Overseers, Computers, Statisticians and a small ministerial establishment. The Aurangabad Circle also has a Head Accountant. Executive Engineers generally have Personal Assistants of the rank of Deputy Engineer, though such officers do not exist in the Divisions in the Aurangabad Circle. Every Executive Engineer also has the assistance of a Divisional Accountant. The other staff comprises Assistant Engineers or Deputy Engineers in charge of Sub-Divisions, Municipal Engineers in two grades, Overseers and Sub-Overseers, Head Draftsmen, Draftsmen, Tracers, Computers, Managers and Assistant Managers (for Hostels in Bombay City), Inspectors, Workshop staff, Statisticians, Head Clerks, Clerks, Storekeepers and other ministerial officers and technicians. The total number of persons

employed in the five Circles, excluding work charged establishment, exceeds 5,400.

Designs Circle

The Designs Circle is under a Superintending Engineer with headquarters at Bombay. At headquarters, the Superintending Engineer has the assistance of a Deputy Engineer in Class II Service, and a small technical and ministerial establishment. Under the Superintending Engineer are three Executive Engineers in Class I Service, each in charge of a Division, viz. Designs Division I, Designs Division II and Designs Division (B.P.). Designs Division I and Designs Division II are concerned with the preparation of designs and estimates for major bridge works, inspecting such works under execution and advising local Executive Engineers about such works. One of these Divisions serves the needs of the Bombay and Poona administrative Divisions and one serves the needs of the Nagpur and Aurangabad administrative Divisions. Designs Division (B.P.) is concerned with the preparation of structural designs for R.C.C. and Steel framed structures of major building works, advising on problems of construction and soundness arising in the course of additions and alterations to existing buildings, work relating to the All India Schedule of Rates and preparing designs for harbour engineering works of the Ports Organisation. Only Designs Division I has a Sub-Divisional office under it, headed by a Deputy Engineer. The staff in the Divisions includes, in addition to the Executive Engineers, Deputy Engineers, Overseers, Draftsmen and Assistant Draftsmen, Tracers, Computers and ministerial personnel. The total number of the staff is about 110.

National Highways Circle

The National Highways Circle, which has four Divisions, each under an Executive Engineer, is concerned with the construction of the Express Highways in Greater Bombay, the Ghodbunder-Manor Road, which forms an important link on National Highway No. 8 (from Bombay to Ahmedabad), together with four major bridges, and the bridge over the Bassein Creek. The Superintending Engineer is assisted at headquarters by a Personal Assistant of the rank of Deputy Engineer, and a small technical and ministerial establishment. Directly under the Superintending Engineer is a Soil Testing Sub-Division under a Deputy Engineer stationed at Bassein, whose function it is to test soils in order to aid proper design of road works and to secure quality control during actual construction. Of the four Divisions, the Express Highway Division has its headquarters at Andheri in Greater Bombay and is divided into six Sub-Divisions, each under a Deputy Engineer. The Bassein Bridge Division is divided into three Sub-Divisions, each under a Deputy Engineer. The other two Divisions are called the National Highway Division and the Additional Division for Construction of Ghodbunder-Manor Road. The

National Highway Division has its headquarters at Andheri and is divided into four Sub-Divisions. The Additional Division also is divided into four Sub-Divisions. The staff in the National Highways Circles below the level of Executive Engineer is similar in composition to that in ordinary Roads and Buildings divisions and totals about 410.

Technical Examiner

A small unit has recently been established under the Chief Engineer, consisting of a Superintending Engineer designated as Technical Examiner, and four Deputy Engineers. It is the responsibility of the Technical Examiner to scrutinize bills, contract agreements and muster rolls and to inspect works in progress or after completion with the object of securing greater efficiency in the exercise of technical and quality control over the execution of works in the Buildings and Communications Department.

Additional responsibilities

While the major responsibility of the Chief Engineer (Buildings and Communications) relates to buildings and roads (including bridges), he is also the administrative head of the organisations responsible for: (a) provision and maintenance of electrical installations in Government buildings, (b) the laying out and maintenance of parks and gardens and (c) handling the architectural work involved in public constructional activities. The organisations concerned are briefly described below.

Electrical Circle

Though the Electrical Circle in the Buildings and Communications Organisation is primarily responsible for the execution and maintenance of electrical installations in buildings of the State Government, it is also entrusted with responsibility for: (a) operating the provisions of the Indian Electricity Act, 1910, the Indian Electricity Rules, 1956, and the Electricity (Supply) Act, 1948, (b) conducting examinations for, and granting permits to, electrical wiremen and electrical supervisors and giving licences to electrical contractors through the agency of a Licensing Board, (c) enforcing the provisions of the Bombay Lifts Act, 1939, which regulates the installation and maintenance of electrically operated lifts in buildings, and (d) managing the Sholapur Electricity Undertaking which has been taken over by the State Government. At the head of the Circle is the Electrical Engineer to Government who is of the rank of a Superintending Engineer. He is answerable to the Chief Engineer (Buildings and Communications) only in respect of the primary work of the Circle, viz. electrical installations in buildings of the State Government. In respect of the additional functions mentioned above, he is under the administrative control of, and is answerable to, the Industries and Labour

Department of the Secretariat. The additional responsibilities of the Electrical Circle involve the inspection of electrical installations to see that they are properly maintained, the regular audit of accounts of electricity undertakings through an Audit Unit, the disposal of complaints from consumers regarding rates and accounts and advising the State Government in technical matters involved in giving sanctions to Licensees under the Indian Electricity Act, 1910. The Electrical Engineer is assisted at headquarters by a Personal Assistant of the rank of Executive Engineer who also functions as Inspector of Lifts under the Bombay Lifts Act, 1939. The organisation under him for the execution and maintenance of electrical installations in buildings of the State Government consists of four Electrical Divisions, each under an Executive Engineer, with headquarters at Bombay, Poona, Nagpur and Aurangabad. The organisation for carrying out the additional responsibilities of the Electrical Circle coming under the administrative control of the Industries and Labour Department of the Secretariat are: (a) three Electrical Inspection Divisions, each under an Electrical Inspector of the rank of Executive Engineer, with headquarters at Bombay, Poona and Nagpur, (b) an Audit Unit under a Chief Auditor, (c) an office of the Licensing Board of which the Electrical Engineer to Government is *ex-officio* President and (d) an independent organisation at Sholapur for the Sholapur Electricity Undertaking.

Electrical Divisions

Each Electrical Division is sub-divided into a number of Sub-Divisions under Deputy Engineers. Some of the Sub-Divisions are constituted for territorial units within the Divisions; others are for particular functional purposes or for single large installations. Each Executive Engineer has a small headquarters establishment of technical as well as non-technical staff in addition to the personnel in the Sub-Divisions. The distribution of the four Divisions and of the Sub-Divisions in each of the Divisions is as follows :

- (a) Bombay Electrical Division, Bombay, for Greater Bombay, Thana District and Kolaba District, with seven Sub-Divisions, including one for the Sachivalaya, one for the J.J. Group of Hospitals, one for Air-Conditioning and a Project Sub-Division;
- (b) Poona Electrical Division for Poona, Kolhapur, Ratnagiri, Satara, Sangli and Sholapur Districts, with four Sub-Divisions;
- (c) Nagpur Electrical Division, for Akola, Amravati, Bhandara, Buldhana, Chanda, Nagpur, Wardha and Yeotmal Districts, with four Sub-Divisions.
- (d) Aurangabad Electrical Division for Ahmednagar, Aurangabad, Bhir, Dhulia, Jalgaon, Nanded, Nasik, Osmanabad and Parbhani Districts, with four Sub-Divisions.

Electrical Inspection Divisions

The three Electrical Inspection Divisions are constituted as follows :

- (a) Bombay Electrical Inspection Division with headquarters at Bombay, for Greater Bombay and Dhulia, Jalgaon, Kolaba and Nasik Districts, with three Assistant Electrical Inspectors of the rank of Deputy Engineer;
- (b) Poona Electrical Inspection Division with headquarters at Poona for Ahmednagar, Aurangabad, Bhil, Kolhapur, Nanded, Osmanabad, Parbhani, Poona, Ratnagiri, Sangli, Satara, and Sholapur Districts, with three Assistant Electrical Inspectors of the rank of Deputy Engineer;
- (c) Nagpur Electrical Inspection Division, with headquarters at Nagpur, for Akola, Amravati, Bhandara, Buldhana, Chanda, Nagpur, Wardha and Yeotmal Districts, with three Assistant Electrical Inspectors of the rank of Deputy Engineer.

Audit Unit, Licensing Board and Sholapur Electricity Undertaking

The Audit Unit consists of a Chief Auditor and three Auditors. The Licensing Board has a small office of its own. The organisation for the operation of the Sholapur Electricity Undertaking consists of a Station Superintendent in Class I service, two Deputy Superintendents, one Deputy Engineer (Mechanical), one Divisional Accountant and a few clerks.

Total strength of Electrical Circle

The total strength of the Electrical Circle is about 760, including Executive Engineers, Electrical Inspectors, Deputy Engineers, Assistant Electrical Inspectors, Electrical Supervisors, Electricians, Wiremen, Draftsmen, Mechanics, and other technicians and ministerial personnel.

Superintendent, Parks and Gardens

Though the Superintendent, Parks and Gardens, is under the control of the Chief Engineer (Buildings and Communications), the organisation under the Superintendent functions, in respect of national parks, under the administrative control of the Revenue and Forests Department of the Secretariat. The functions of the Superintendent which come under the purview of the Buildings and Communications Department are: (a) planning and laying out gardens around important public buildings wherever possible; (b) reorganising existing gardens owned by the State Government and advising local authorities, etc. about reorganisation of gardens owned by them; (c) planning and supervising roadside arboriculture and the creation of

woodlands and groves in the vicinity of towns and large villages; (d) maintaining a central nursery and regional nurseries for propagating and distributing plants, seedlings and seeds; (e) organising centres for training suitable candidates in ornamental and landscape gardening; (f) conducting flower and vegetable shows and (g) providing advisory service to the public in regard to the maintenance of gardens and parks. The functions of the Superintendent pertaining to the Revenue and Forests Department are: (i) survey of the State for the purpose of establishing national parks in suitable areas and the planning of such parks and (ii) protection of natural beauty spots from the effects of haphazard industrial or commercial growth. For the more effectual execution of these functions powers have been conferred on the Superintendent of Parks and Gardens by legislation, the Superintendent being declared as Director, Parks and Gardens, under the provisions of the Bombay National Parks Act. Gardens and nurseries are maintained at various places and national parks are in process of establishment around Sinhagad near Poona, at Elephanta Island in the Bombay Harbour and around the hot water springs at Vajreshwari in Thana District. The Superintendent, who is in Class I Service, has his headquarters office in Bombay and is assisted at headquarters by two Assistant Superintendents in Class II Service. The headquarters establishment is divided into a Technical Branch and an Accounts and Correspondence Branch. The staff of these branches includes a Technical Assistant, a Garden Architect, Agricultural and Civil Overseers, an Agricultural Assistant, a Divisional Accountant and some ministerial personnel. The field establishment for the work relating to gardens consists of two Garden Supervisors, three Garden Overseers, one Horticultural Officer, one Agricultural Overseer, and some clerks. The field staff for national parks consists of two Deputy Engineers (one at Sinhagad and one at Vajreshwari), six Civil Overseers (four at Sinhagad, one at Elephanta and one at Vajreshwari), four Park Wardens (one at Sinhagad and three at Elephanta), two Park Supervisors (one at Sinhagad and one at Elephanta) and some ministerial officers.

Architect to Government

The Architect to Government is a specialist officer who has the status of a Superintending Engineer. The functions of his office, which is centralised in Bombay, are three-fold. Firstly, it is the responsibility of the Architect to Government to prepare, in respect of building projects, sketch designs and working drawings, layout plans, detailed drawings, specifications, etc. and to supervise, from the point of view of architectural treatment, the work of construction and equipment, including the use of building materials, interior decoration, furniture, etc. Secondly, the Architect to Government gives advice in respect of the selection of sites in particular and building activities in general. Thirdly, the Architect to Government provides a link between the offices of the Divisional Executive Engineers in the Buildings and Communications

Department and the Heads of Departments on behalf of whom building projects are undertaken, so as to ensure that, from the architectural point of view, the requirements of the Heads of Departments are met. As part of his supervision over the execution of projects, the Architect to Government is required to check all draft tender papers of buildings projects costing Rs. ten lakhs or more. The Architect to Government also functions as a general adviser on problems of housing, layouts, selection of sites, installation of statues, landscape gardening and historical buildings, not only to departments of the State Government but also to local authorities and public corporations. Additional responsibilities recently entrusted to the Architect to Government are the planning of building for the Marathwada University at Aurangabad and the Shivaji University at Kolhapur and attending to architectural work relating to defence projects under execution on behalf of the Central Government. The Architect to Government serves on several Committees and Boards. He is assisted by three Assistant Architects in Class I Service and two Architectural Assistants in Class II Service. Below these officers are thirteen Junior Architectural Assistants, a number of Draftsmen and other technical and ministerial staff. For the additional work relating to defence projects, the Architect to Government has been provided special extra staff consisting of a Deputy Architect, five Assistant Architects, fifteen Architectural Assistants, and several Draftsmen, Tracers, clerks and typists.

Chart

A chart showing the organisation of the Department is appended.

(ii) Ports Organisation

Functions

Until recently, the administration of minor ports, though a responsibility of the State Government, was entrusted on an agency basis to the Central Excise Department of the Central Government. These ports have, however, been taken over gradually by a special ports organisation under a Chief Ports Officer, Maharashtra State. The functions of the Ports Organisation are the day-to-day administration of about fifty minor ports along the coast of Maharashtra from Dahanu in the North to Kirnapani in the South, and the preparation and execution of plans for the development and improvement of these ports, and for the provision of greater facilities for passenger and cargo traffic.

Organisation

The Chief Ports Officer has no independent headquarters' staff, as he functions within the organisation of the Buildings and Communications Department of the Secretariat in the manner described in Chapter 4. The field

establishment under him consists of: (a) two Ports Officers and four Assistant Ports Officers, (b) a Hydrographic Surveyor and (c) a Marine Engineer, all in Class I Service, and a Deputy Engineer in Class II Service. The two Port Officers are stationed at Redi and Ratnagiri and each of them has under him an Assistant Port Officer stationed at Vijaydurg and Murud-Janjira, respectively. One Assistant Port Officer is stationed at Bandra and is in charge of ports between Dahanu and Shriwardhan. The fourth Assistant Port Officer is stationed at Bombay and is responsible for regulating the Bombay-Rewas-Dharamtar services. The Port Officers and Assistant Port Officers function as Conservators for the ports in their charge and are responsible for collecting port and other dues and fees. The Marine Engineer is in charge of the launches, dredgers, barges, tugs and other craft of the organisation. The Deputy Engineer is stationed at Bandra and has charge of the Marine Survey Sub-Division. Civil engineering works pertaining to the organisation are the responsibility of the Superintending Engineer, Bombay Circle, and the Superintending Engineer, Designs Circle. The non-gazetted staff in the field organisation number about 500, including a Deputy Hydrographic Surveyor, a Deputy Marine Surveyor, Assistant Marine Surveyors, Overseers, Civil and Mechanical, a Dredger Master, a Dredger Engineer, a Port Supervisor, Technicians and ministerial personnel.

CHAPTER THIRTEEN

DEPARTMENT UNDER IRRIGATION AND POWER DEPARTMENT

Irrigation and Power Department (Executive)

Functions

The Irrigation and Power Department is concerned with the conservation and utilization of the water resources of the State to the maximum possible extent for irrigation as well as domestic and industrial use, and for the production of electricity. There has been in recent years a rapid growth in the activities of the Department as it is being realised that agricultural as well as industrial development depends primarily on the availability of assured and controlled supplies of water at the right places and the right times and also on the maximum utilization of releases of water from storage reservoirs for the generation of electricity wherever the terrain is suitable. The activities of the Department cover : (a) comprehensive survey and study of water resources on a regional basis according to river-basins, (b) preparation of long-term master plans, covering all aspects of water utilization, (c) fixation of priorities and systematic detailed planning on the basis of such priorities, (d) the execution of works and (e) the maintenance and development of executed works. The Department is essentially a service department and, as such, it itself manages and runs major and medium irrigation works, including the supply of water to cultivators, the assessment of water rates and the regulation of use by cultivators of the water supplied, including determination of the kind of crops to be grown from time to time, the area to be covered by each crop, etc. In the case of minor irrigation works, including wells and tanks, it serves as an advisory agency or renders technical help to cultivators or groups of cultivators. It also provides technical guidance and service to local authorities for their water supply and drainage schemes. In a few cases it may carry out and manage such schemes itself because they are in some respects combined with larger irrigation projects, or because they serve several local authorities or because the technical and other resources of the local authorities are not equal to the needs of the service. In respect of electricity, the Department is concerned mainly with the planning of hydro-electric projects and their execution; the utilization of the power produced is the function of the Maharashtra State Electricity Board. Thus, while the Department is responsible for the construction of the Koyna Hydro-Electric project, the Board has been entrusted with the generation and distribution of the power produced. The activities of the Department are closely related to those of several other Departments and local authorities. The Agriculture and Revenue Departments are the most directly concerned, the first in regard to soil conservation, modification of the water table and crop patterns, the latter in

regard to land use, land acquisition, and land revenue. *Zilla Parishads* are concerned with the management of minor irrigation works, including the assessment and collection of water rates and also, in some cases, with the construction of minor irrigation works. The Industries Department and local authorities come into the picture in regard to water needed for domestic or industrial use. Road systems are also affected, not only by the construction of canals and drainage channels, but by the opening up of new tracts for intensive agriculture. The Forest Department is concerned with the protection of catchment areas through afforestation. Even the Fisheries Department is affected by the creation of large reservoirs in which inland fisheries can be promoted.

Chief Engineers and their functions

The Irrigation and Power Department is unique in that, though its executive functions cover a coherent and integrated field, it does not have, as other Departments do, a single executive Head of Department who is responsible to the State Government over the whole field of the Department's activities. As will have been seen from the description in Chapter 4 of the Irrigation and Power Department of the Secretariat, there are as many as four Chief Engineers within the Secretariat (one of them having *ex-officio* status in two Departments of the Secretariat), each with special executive responsibility for certain aspects of the Department's activities. But it is not possible to allocate the lower echelons of the organisation, except for some specialised wings, to any one of these Chief Engineers as his exclusive responsibility. The normal pattern of organisation below the level of the Chief Engineer is, as in the case of the Buildings and Communications Department, a number of Circles, each under a Superintending Engineer and each comprising a number of Divisions under Executive Engineers, each Division being further divided into Sub-Divisions under Assistant Engineers or Deputy Engineers. Many of these Circles cannot be definitely allocated to a particular Chief Engineer as his exclusive responsibility, since a single Circle may be entrusted with a variety of functions, some coming under the jurisdiction of one Chief Engineer, some under that of another. Each Chief Engineer in the Secretariat therefore, has control and supervision over every Circle in so far as it functions in the field of his particular responsibility. The danger of overlapping or divided responsibility is obviated by the fact that none of the four Chief Engineers has an independent office outside the Secretariat and the Secretariat Department, which is also the combined headquarters office of the Chief Engineers, works as a single unit. As mentioned in the description of the Secretariat Department, there are, however, two other Chief Engineers in the Irrigation and Power Department who have no Secretariat status and who have their headquarters offices outside the Secretariat. These are the Chief Engineer, Koyna, and the Chief Engineer (Electrical) Koyna, who are concerned with the execution of the Koyna Hydro-Electric Project. Each of

these officers has his own headquarters office and a self-contained field establishment which is exclusively under his jurisdiction.

Territorial and functional set-up excluding Koyna Project

The functions of each of the Chief Engineers who are attached to the Secretariat and the headquarters establishment under them have already been described. Below these four Chief Engineers are a number of territorial or functional Circles and also a number of specialised organisations for the more efficient performance of certain functions. The territorial Circles are as follows :

- (a) The Deccan Irrigation Circle(I), with headquarters at Poona;
- (b) The Deccan Irrigation Circle(II), with headquarters at Poona;
- (c) The Deccan Irrigation Circle(III), with headquarters at Nasik;
- (d) The Nagpur Irrigation Circle, with headquarters at Nagpur;
- (e) The Akola Irrigation Circle, with headquarters at Akola;
- (f) The Marathwada Projects Circle(I), with headquarters at Aurangabad;
- (g) The Marathwada Projects Circle(II), with headquarters at Aurangabad.

Functional Circles and specialised organisations are as follows :

- (a) Water Resources Investigation Circle, with headquarters at Poona;
- (b) Three Irrigation Projects Investigation Circles with headquarters at Poona, Nagpur and Aurangabad, respectively;
- (c) Central Designs Organisation, with headquarters at Bombay;
- (d) Bombay Public Health Circle, with headquarters at Bombay;
- (e) Poona Public Health Circle, with headquarters at Poona;
- (f) Nagpur Public Health Circle, with headquarters at Nagpur;
- (g) Aurangabad Public Health Circle, with headquarters at Aurangabad;
- (h) Mechanical Circle, with headquarters at Poona;
- (i) Maharashtra Engineering Research Institute, Nasik.

Deccan Irrigation Circle (I)

The Deccan Irrigation Circle(I) under a Superintending Engineer is concerned with the management of several canals such as the Godavari, Pravara, Nira, Nasik, Krishna, Kadwa, Girna and Panchaganga canals. It also deals with minor irrigation and cooperative lift irrigation in the areas served by it. In addition, the Circle Office serves as the coordinating agency for promotions and confirmations of Class III and Class IV staff in the Irrigation and Power Department for the whole State, and it is also responsible for the recruitment of Overseers for all Circles in the Department. There are six Divisions in the Circle, each under an Executive Engineer, as follows :

- (a) Poona Irrigation Division, with six Sub-Divisions for certain canals, minor irrigation works and cooperative lift irrigation;
- (b) Deccan Canals Drainage Division, with five Sub-Divisions, including one for river guaging works;
- (c) Nasik Irrigation Division, with nine Sub-Divisions;
- (d) Ahmednagar Irrigation Division, with six Sub-Divisions, including one for scarcity works;
- (e) Nira Right Bank Canal Division, with six Sub-Divisions, including one for remodelling the Nira Right Bank Canal and one for minor irrigation and investigation;
- (f) Kolhapur Irrigation Division, with eight Sub-Divisions, including two for minor irrigation projects, one for weir construction and two for the extension of the Krishna canals.

Deccan Irrigation Circle(II)

The Deccan Irrigation Circle(II) under a Superintending Engineer is concerned with the execution of certain major irrigation projects. There are eight Divisions in the Circle, each under an Executive Engineers, as follows :

- (a) Khadakwasla Canal Division No. I, with four Sub-Divisions;
- (b) Khadakwasla Canal Division No. II, with four Sub-Divisions;
- (c) Khadakwasla Canal Designs Division, with three Deputy Engineers attached to the divisional office;
- (d) Vir Dam Division, with four Sub-Divisions, including one for quality control;

- (e) Panshet Dam Division, with five Sub-Divisions, one of which has been temporarily transferred to this Division from the Kal River Project Construction Division;
- (f) Kal River Project Construction Division, with three Sub-Divisions, not including one Sub-Division which has been temporarily transferred from this Division to the Panshet Dam Division;
- (g) Pawna Storage Division, with seven Sub-Divisions;
- (h) Plant and Machinery Division, with four Sub-Divisions.

Deccan Irrigation Circle(III)

The Deccan Irrigation Circle(III) under a Superintending Engineer is responsible for the construction of certain major and medium irrigation projects. There are ten Divisions in the Circle, each under an Executive Engineer, as follows :

- (a) Ghod Project Division at Poona, with four Sub-Divisions;
- (b) Mula Dam Division at Ahmednagar, with five Sub-Divisions and with two additional Deputy Engineers at Mulanagar for grouting;
- (c) Mula Canal Division No. I at Ahmednagar, with seven Sub-Divisions, including a Central Design Unit at divisional headquarters,
- (d) Mula Canal Division No. II, with four Sub-Divisions;
- (e) Girna Dam Division at Nandgaon with five Sub-Divisions;
- (g) Girna Canal Division No. II at Jalgaon, with five Sub-Divisions;
- (h) Karwand and Malangaon Division at Dhulia, with six Sub-Divisions and a Planning and Design Unit;
- (i) Mechanical Division for Mula and Girna Projects with four Sub-Divisions.

Nagpur Irrigation Circle

The Nagpur Irrigation Circle under a Superintending Engineer is concerned with irrigation projects in the Nagpur, Chanda and Bhandara districts. To Circle headquarters are attached an Assistant Engineer, Mechanical, who is responsible for inspection of machinery in use on irrigation projects in the Circle and also a Deputy Engineer in charge of a Designs Sub-Division. There are seven Divisions in the Circle, each under an Executive Engineer, as follows :

- (a) Minor Irrigation Division at Bhandara with six Sub-Divisions; this Division includes on its establishment, unlike other Divisions in the Irrigation and Power Department, a revenue officer, viz. the Canal Deputy Collector, Bhandara, who, with the assistance of two process servers, attends to the recovery of dues;
- (b) Minor Irrigation Division at Chanda, with five Sub-Divisions;
- (c) Bagh Construction Division at Sakoli, with four Sub-Divisions;
- (d) Irrigation Projects Division at Chanda, with two Sub-Divisions;
- (e) Nagpur Irrigation Division at Nagpur, with eight Sub-Divisions;
- (f) Ex-Malguzari Tanks Division at Gondia, with four Sub-Divisions;
- (g) Ex-Malguzari Tanks Division at Brahmapuri with five Sub-Divisions.

Akola Irrigation Circle

The Akola Irrigation Circle under a Superintending Engineer is concerned with the construction of major and medium irrigation projects and also minor irrigation works in the Akola, Amravati, Buldhana, Wardha and Yeotmal Districts. Attached to Circle headquarters are three Designs Sub-Divisions, each under a Deputy Engineer. There are five Divisions in the Circle, each under an Executive Engineer, as follows :

- (a) Katepurna River Project Division at Akola, with five Sub-Divisions;
- (b) Bar Project Division at Nagpur (outside the Circle area) with four Sub-Divisions;
- (c) Nalganga Division at Buldhana, with five Sub-Divisions;
- (d) Amravati Irrigation Division at Amravati, with four Sub-Divisions;
- (e) Pus River Project Division, with two Sub-Divisions.

Marathwada Projects Circle(I)

The Marathwada Projects Circle(I), under a Superintending Engineer, is concerned with the Purna and Manar Irrigation Projects. There are eight Divisions in the Circle, each under an Executive Engineer, as follows :

- (a) Purna Project Diversion Division at Sidheshwar, with four Sub-Divisions;
- (b) Purna Project Reservoir Division at Yeldari, with four Sub-Divisions;

- (c) Purna Project Canal Division No. I at Basmathnagar, with six Sub-Divisions, including an Irrigation Management Sub-Division;
- (d) Purna Project Canal Division No. II at Basmathnagar, with four Sub-Divisions;
- (e) Purna Project Canal Division No. III at Basmathnagar, with four Sub-Divisions;
- (f) Manar Project Division No. I at Nanded, with six Sub-Divisions;
- (g) Manar Project Division No. II at Nanded;
- (h) Purna and Manar Projects Canal Designs Division at Aurangabad, without any Sub-Divisions.

Marathwada Projects Circle (II)

The Marathwada Projects Circle (II), under a Superintending Engineer, is concerned with all medium and minor irrigation works in Marathwada. To the Circle office is attached a Canal Design Sub-Division. There are six Divisions in the Circle, each an Executive Engineer, as follows :

- (a) Aurangabad Irrigation Division No. I, with six Sub-Divisions;
- (b) Aurangabad Irrigation Division No. II, with six Sub-Divisions;
- (c) Marathwada Minor Irrigation Division at Aurangabad, with five Sub-Divisions;
- (d) Marathwada Minor Irrigation Division at Nanded, with six Sub-Divisions;
- (e) Bhir Irrigation Division, with twelve Sub-Divisions, including one for survey, which also serves the needs of the Osmanabad Irrigation Division;
- (f) Osmanabad Irrigation Division, with nine Sub-Divisions.

From the details given above, it will be seen that the field organisation of the Irrigation and Power Department is very heavily concentrated in the areas served by the Deccan canals systems and more thinly spread over the other areas.

Staff in Circles

The staff pattern of these seven Circles is on the whole uniform, special features being a Deputy Collector deputed from the Revenue Department for the recovery of canal dues in the Nagpur Irrigation Circle and two Labour

Welfare Officers in the Deccan Irrigation Circle (III). In Circles concerned with actual supply of water to cultivators, there is special staff for regulating the supply, inspection and assessment, including Class IV servants called Patkaries, who are the ultimate links with the cultivators, one Patkari being entrusted with 1,000 acres of irrigated land. Below the level of Executive Engineer, the staff in the seven Circles numbers about 8,800 and includes, among others, Deputy Engineers, Overseers, Draftsmen, Tracers, Computers, Signallers, Canal Inspectors, Measurers, Amins, Divisional Accountants and several grades of ministerial personnel.

Water Resources Investigation Circle

For the purpose of making a comprehensive appraisal of the water resources of the State on a basin-wide basis and to provide adequate data on which to plan a systematic utilization of these resources for the purpose of irrigation as well as hydro-power production, a special agency was established in 1957 within the Irrigation and Power Department with the duty of collecting hydrological data and preparing skeleton master plans for water utilization basin by basin on a phased basis. The work entrusted to the organisation involves the assessment of resources, location of areas requiring irrigation and assessment of requirements of water for each such area, selection of possible project sites, preparation of preliminary estimates of utilizable water resources potential of each river basin and determination of relative priorities in consultation with the Revenue authorities. The collection of rain and river gauge data for the assessment of available water resources is also the responsibility of the organisation. The organisation constitutes a Circle under a Superintending Engineer designated the Water Resources Investigation Circle, with headquarters at Poona. At headquarters the Superintending Engineer is assisted by a Deputy Engineer. At one time there were seven Divisions in the Circle, each under an Executive Engineer, but as the work of investigation has been progressively completed and as considerable progress has also been made with the preparation of master plans for the various river-basins, there has been a curtailment of staff. At present there are three Divisions in the Circle, each under an Executive Engineer, as follows :

- (a) Designs Division, Poona, to which nine Deputy Engineers are attached;
- (b) Flood Control Planning Division, Poona, with four Sub-Divisions;
- (c) Konkan Irrigation Division, with five Sub-Divisions.

The Circle has a total staff of about four hundred and ten, including Deputy Engineers, Overseers, both Engineering and Agricultural, Statisticians and Field Assistants.

Irrigation Projects Investigation Circles

While the preparation of comprehensive master plans for the utilisation of water resources has been entrusted to the Water Resources Investigation Circle, the conduct of detailed surveys and investigations for individual irrigation projects proposed to be undertaken in the period of the current Plan is the responsibility of three independent Circles designated the Irrigation Projects Investigation Circles, with headquarters at Poona, Nagpur and Aurangabad. The Circles have in hand several projects included in the Third Five-Year Plan, as well as projects likely to be undertaken in the Fourth Five-Year Plan period. Each Circle as at present constituted consists of a Circle office at headquarters under a Superintending Engineer. The Circle office at Poona includes a Designs Sub-Division under a Deputy Engineer, and a Cell for writing project reports.

The Irrigation Projects and Investigation Circle, Poona, contains six Divisions, each under an Executive Engineer, as follows :

- (a) Irrigation Projects Investigation Division, Poona, with four Sub-Divisions;
- (b) Irrigation Projects Division (Central) Poona, with six Sub-Divisions;
- (c) Irrigation Projects Investigation Division No. I, Jalgaon, with six Sub-Divisions;
- (d) Irrigation Projects Investigation Division No. II, Jalgaon, with six Sub-Divisions;
- (e) Irrigation Projects Investigation Division, Kolhapur, with seven Sub-Divisions;
- (f) Irrigation Projects Investigation Division, Nasik, with five Sub-Divisions.

The Irrigation Projects and Investigation, Circle, Nagpur, contains four Divisions, each under an Executive Engineer, as follows :

- (a) Irrigation Projects Investigation Division, Nagpur, with six Sub-Divisions;
- (b) Irrigation Projects Investigation Division, Amravati, with five Sub-Divisions;
- (c) Irrigation Projects Investigation Division, Bhandara, with five Sub-Divisions;
- (d) Irrigation Projects Investigation Division, Chanda, with six Sub-Divisions.

The Irrigation Projects and Investigation Circle, Aurangabad, contains three Divisions, each under an Executive Engineer, as follows :

- (a) Irrigation Projects Investigation Division, Aurangabad, with seven Sub-Divisions;
- (b) Irrigation Projects Investigation Division, Nanded, with six Sub-Divisions;
- (c) Jayakwadi Project Stage-I-Construction Division, with eight Sub-Divisions.

The staff of the Circles numbers about one thousand seven hundred and is composed of technical and non-technical personnel similar to that in other Circles.

Central Designs Organisation

The work of detailed planning and design of major irrigation projects and of medium irrigation projects estimated to cost more than one crore of rupees is entrusted to a specialised organisation designated the Central Designs Organisation. The organisation is responsible for preparing designs according to a strict time-schedule to facilitate orderly progress in constructional activity. It is also responsible for giving training in designing the various component parts of major projects to technical staff in the Department. Recently the organisation has been made responsible for ensuring effective control over quality of work in important major irrigation projects under execution. The organisation operates in three wings, viz. a Civil Wing which is responsible for the planning and design of Civil Works, a Hydro-electric Wing which is responsible for planning and design of the hydro-electric components of projects and also for the actual construction of the hydro-electric components, and a Quality Control Wing for exercising effective control on irrigation works.

Civil Wing: Organisation

The Civil Wing is divided into two sections, each under a Superintending Engineer, one for planning and the other for design. The planning section is divided into four units, each under an Executive Engineer, one responsible for hydrology, water planning and layout of works, one responsible for earth dam designs for Western Maharashtra and Marathwada, one responsible for earth dam designs for Vidarbha, the planning of projects for the Marathwada region and, in addition, for the drawing branch of the organisation, and one responsible for the planning of projects for the Western Maharashtra region. The design section is divided into four units, each under an Executive Engineer, one responsible for design of masonry dams and spillways, one responsible for designs of outlets and gates, one responsible for designs of canal structures and for the library of the organisation, and one responsible for the checking of important designs and the planning of projects for the Vidarbha region. This

section also includes an administrative unit for establishment matters, compilation of project reports, budgets, stores and accounts. The Superintending Engineers, though primarily responsible for the work of the Civil Wing and its component units, also carry out inspections at project sites during the stage of investigation and actual construction and give advice and guidance to field officers in the interest of structural soundness or economy. The staff of the Civil Wing consists of about one hundred and forty persons.

Hydro-Wing

The hydro-electric wing of the organisation is responsible, as already mentioned, not only for planning and design, but also for investigation, survey and construction of hydro-electric projects or the hydro-electric components of combined projects, except the Koyna Hydro-Electric Project, which has a separate organisation of its own. The Wing is organised like a regular Circle with the Superintending Engineer (Hydro) at the head, and five Hydro-Electric Divisions, each under an Executive Engineer. In addition, there is at headquarters a Design Unit under an Executive Engineer. Of the five Hydro-Electric Divisions, one is a Construction Division for the Purna Hydro-Electric Project with four Sub-Divisions, one is Survey-Cum-Construction Division for Vaitarna, Sahasrakund and Pench Projects with five Sub-Divisions, one is a Construction Division for Vaitarna, with three Sub-Divisions, one is a Division for Bhatgar and Vir, with three Sub-Divisions, and one is an Investigation and Survey Division for other projects with four Sub-Divisions. The staff of the Hydro-Electric Wing numbers about two hundred and eighty.

Central Quality Control Wing

The Central Quality Control Wing is intended to provide effective control over the quality of important irrigation works independently of the field staff responsible for the execution of the works. The responsibility of the Wing is restricted to head works and pick-up weirs, including appurtenant works, quality of work on the canal and distribution systems remaining the responsibility of the field Executive Engineer and the Superintending Engineer concerned. Under the orders of the Chief Engineer, the Central Quality Control Wing may be made responsible for such large and complicated canal structures as may be specified. Responsibility also remains with the field officers for the means of production and for seeing that the correct constructional methods are carried out, and that the instructions of the Quality Control Wing are implemented. The Central Quality Control Wing is further responsible for test inspections of works during execution or on completion, for examining contracts and checking specifications and for bringing to the notice of the Chief Engineers any defects of procedure, practice or system in the planning, designing or execution of works which are likely to affect the quality of work or to blur the responsibility of different officers or to prove prejudicial to the interests of Government. The Wing is headed by a Superintending Engineer

stationed at Bombay. He is assisted at headquarters by an Executive Engineer and three Deputy Engineers, one of whom is entrusted with work relating to earth dams, one with work relating to concrete and masonry structures and one with work relating to manufacture and erection of gates. There are, in addition, nine Quality Control (Laboratory) Sub-Divisions, each under a Deputy Engineer for important projects. The Deputy Engineers are required to remain in constant touch with the execution of headworks, to take samples, carry out tests and record the results, and to check that the quality of work is in accordance with the specifications. They are competent to ask the field Executive Engineer to stop a work as soon as they find that its quality has fallen below the prescribed specification and thereafter the work can be resumed only when the Central Quality Control Wing is satisfied that the defect is rectified. The laboratory equipment in the Sub-Divisions of the Wing is inspected quarterly by an officer of the Maharashtra Engineering Research Institute. In addition to the Superintending Engineer, Executive Engineer and Deputy Engineers, the Central Quality Control Unit has a staff of about a hundred persons, including Overseers, Research and Laboratory Assistants, Tracers and ministerial personnel.

Public Health Circles: Functions

In the field of public health engineering which relates to the planning, execution and operation of protected piped water supply schemes and drainage schemes, the Irrigation and Power Department operates on an agency basis through the Public Health Engineering Organisation on behalf of several other departments. On behalf of the Urban Development and Public Health Department, it deals with Government and Municipal water supply and drainage schemes for urban areas. On behalf of the Rural Development Department it deals with regional rural piped water supply schemes and also with individual water supply and drainage schemes costing more than Rs. five lakhs. On behalf of the Industries and Labour Department it deals with water supply and drainage schemes for industrial estates and industrial areas. On behalf of the Buildings and Communications Department it deals with water supply and external drainage schemes for large Government buildings. On behalf of the General Administration Department it deals with water supply and drainage schemes of Defence Projects. The organisation also undertakes the preparation and execution of water supply and drainage schemes for Departments of the Central Government, such as water supply for the Atomic Power Station at Tarapore, Thana District. In the case of water supply and drainage schemes of the State Government, the organisation undertakes responsibility for maintenance as well as preparation and execution. In other cases also, the organisation may at the request of a local body undertake maintenance at the cost of the local body concerned. In the case of water supply and drainage schemes of local bodies which are carried out from loan funds or are subsidised by the State Government or

the Central Government, plans and estimates prepared by outside agencies are required to be scrutinised and sanctioned by the organisation. The executive responsibility for the works entrusted to the organisation is entrusted to four Public Health Circles, each under a Superintending Engineer, viz. the Bombay Public Health Circle, with headquarters at Bombay, having jurisdiction over all districts in the Bombay administrative Division excepting Ratnagiri; the Poona Public Health Circle, with headquarters at Poona, having jurisdiction over the Poona administrative Division and Ratnagiri District in Bombay Division; the Nagpur Public Health Circle, with headquarters at Nagpur, having jurisdiction over the Nagpur administrative Division, and the Aurangabad Public Health Circle, with headquarters at Aurangabad, having jurisdiction over the Aurangabad administrative Division.

Bombay Public Health Circle

The Superintending Engineer, Bombay Public Health Circle, is assisted at headquarters by four Deputy Engineers (three Civil and one Mechanical). The Circle is divided into five Divisions, each under an Executive Engineer, as follows :

- (a) Public Health Works Division, Nasik, for the execution and maintenance of works in Dhulia and Nasik Districts, with three Sub-Divisions each under a Deputy Engineer (Works in Jalgaon District are the responsibility of the Aurangabad Public Health Circle);
- (b) Public Health Works Division, Bombay, for the execution and maintenance of works in Bombay Suburban, Thana and Kolaba Districts, with six Sub-Divisions, each under a Deputy Engineer, including one each for Ambernath Water Supply and Salesette Water Supply;
- (c) Public Health Projects Division, Nasik, for projects in the whole Circle except four regional schemes in Kolaba District, with five Sub-Divisions, each under a Deputy Engineer;
- (d) Public Health Rural Projects Division, Panvel, for four regional rural water supply schemes in Kolaba District, with three Sub-Divisions, each under a Deputy Engineer;
- (e) Defence Water Supply and Drainage Division, Nasik, with three Sub-Divisions, each under a Deputy Engineer.

Poona Public Health Circle

The Superintending Engineer, Poona Public Health Circle, is assisted at headquarters by three Deputy Engineers (two Civil and one Mechanical).

The Circle is divided into six Divisions, each under an Executive Engineer, as follows :

- (a) Public Health Works Division, Poona, for execution and maintenance of works in Poona and Ahmednagar Districts, with five Sub-Divisions, each under a Deputy Engineer, including one for Poona Cantonment Water Supply, Kirkee Water Supply and Poona Drainage;
- (b) Public Health Works Division, Sholapur, for execution and maintenance of works in Sholapur District, with five Sub-Divisions, each under a Deputy Engineer;
- (c) Public Health Works Division, Kolhapur, for execution and maintenance of works in Kolhapur, Sangli and Ratnagiri Districts, with four Sub-Divisions, including one for Kolhapur Water Supply;
- (d) Public Health Development Division, Poona, for development works in Poona Municipal Corporation area, Poona emergency water supply scheme, water treatment plant of Poona Municipal Corporation, overhauling Poona distribution systems, and for Public Health Works in Satara District, with seven Sub-Divisions, each under a Deputy Engineer;
- (e) Public Health Projects Divisions, Poona, for the whole Circle, with four Sub-Divisions, each under a Deputy Engineer, including one for Industrial Public Health at Poona, which also deals with projects from Satara and Sangli Districts;
- (f) Kolhapur Drainage Construction Division, Kolhapur, with three Sub-Divisions, each under a Deputy Engineer.

Nagpur Public Health Circle

The Superintending Engineer, Nagpur Public Health Circle, is assisted at headquarters by three Deputy Engineers (two Civil and one Mechanical). The Circle is divided into five Divisions, each under an Executive Engineer as follows :

- (a) Public Health Works Division, Nagpur, with three Sub-Divisions, each under a Deputy Engineer;
- (b) Public Health Works Division, Amravati, with four Sub-Divisions, each under a Deputy Engineer;
- (c) Public Health Works Divisions, Chanda, with four Sub-Divisions, each under a Deputy Engineer;
- (d) Nagpur Sanitary Division, Nagpur, with five Sub-Divisions, each under a Deputy Engineer;

- (e) Public Health Projects Division, Nagpur, for the whole Circle, with five Sub-Divisions, each under a Deputy Engineer.

Aurangabad Public Health Circle

The Superintending Engineer, Aurangabad Public Health Circle, is assisted at headquarters by three Deputy Engineers (two Civil and one Mechanical). The Circle is divided into five Divisions, each under an Executive Engineer, as follows :

- (a) Public Health Works Division, Aurangabad, with five Sub-Divisions, each under a Deputy Engineer;
- (b) Public Health Works Division, Nanded, with four Sub-Divisions, each under a Deputy Engineer;
- (c) Public Health Works Division, Bhusaval, with three Sub-Divisions, each under a Deputy Engineer;
- (d) Public Health Rural Investigation Division, Akola, with six Sub-Divisions, each under a Deputy Engineer;
- (e) Public Health Projects Division, Aurangabad, with three Sub-Divisions, each under a Deputy Engineer.

Staff of Public Health Circles

The staff of the four Circles below the rank of Executive Engineer numbers about 3,400, including Deputy Engineers, Overseers, Mechanical Engineers, Electrical Supervisors, Shift Engineers, Station Superintendent, Draftsmen, computers, water rates collection staff, Divisional Accountants and ministerial personnel.

Mechanical Circle

The Mechanical Circle is a specialised organisation set up to serve the requirements of the various operative and construction Divisions of the Irrigation and Power Department in respect of : (a) the operation, maintenance and repair of all heavy earth-moving equipment, including vehicles and boring machinery; (b) the centralised manufacture of sluice gates and of heavy radial gates for waste weirs at Dapuri near Poona, and (c) the manufacture of spare parts required for machinery used by the Irrigation and Power Department. The organisation, which is under a Superintending Engineer with headquarters at Poona, has a base workshop at Dapuri which constitutes a separate Division under an Executive Engineer, three Mechanical Divisions, with headquarters at Dapuri (Poona), Nagpur and Nanded, each under an Executive Engineer, and each responsible for operation, maintenance

and repairs to equipment and vehicles in the areas contained in the Division and a Radial Gate Manufacturing Division at Dapuri under an Executive Engineer. Each Mechanical Division has a number of Sub-Divisions for operation and maintenance at the sites of projects and for major repairs and stores at headquarters. The Mechanical Division, Nagpur, contains a Central Workshop under a Deputy Engineer. In addition, the organisation includes three Chief Erection Units, each under an Executive Engineer, which are responsible for the erection of gates manufactured at the workshops. There are also a Designs and Drawing Unit and a Gate Manufacturing Unit at Dapuri and a new Gate Erection Unit at Yeldari. In all, the organisation contains thirty-three Sub-Divisions, each under a Deputy Engineer, including specialised Sub-Divisions for stores, regional workshops and erection of gates. The staff of the Mechanical Circle numbers about three thousand nine hundred, including workshop technicians.

Maharashtra Engineering Research Institute

The Maharashtra Engineering Research Institute was established at Nasik in 1959 for the purpose of carrying out laboratory investigations in all fields of public works engineering, viz. irrigation, hydro-electricity, structural engineering, roads, ports, public health engineering and rural engineering. The Institute has also undertaken a long-term programme of research in fundamental problems of irrigation under the coordinating authority of the Central Board of Irrigation and Power. The testing of construction materials is an important responsibility of the Institute, as is the testing and calibration of measuring instruments. Soil surveys in areas under the command of irrigation projects for the purpose of determining the most suitable crop patterns and the avoidance of such undesirable consequences of irrigation as water-logging and salt emergence has recently been made the responsibility of the Institute which has, for the purpose, taken over control of the already existing field organisation for soil survey. At the head of the Institute is a Director of the rank of Superintending Engineer. On the technical side the Director is assisted by a Deputy Director of the rank of Executive Engineer. The Deputy Director is primarily responsible for coordinating and planning the technical work of the Institute. He has under him the Drawing Branch, the Photographic Section and the Institute Library. Investigation and research work is organised in four Divisions, each under a Research Officer of the grade of Executive Engineer, viz. (a) Materials Testing Division for concrete technology, lime bitumen and routine testing of metals and other construction materials; (b) Soil Mechanics Division for routine tests and research in soil mechanics, including laboratory testing and applied research, field testing and fundamental research; (c) Hydro-dynamic Research Division for study by scale models and field investigations of problems arising in water and power projects; (d) Public Health and Rural Engineering Research Division, for study of problems relating to water supply and sewage, engineering measures

for checking spread of diseases, including environmental sanitation, physiological-conditioning design of hospitals, schools, markets, factories and residences, etc. For looking after the buildings of the Institute, its workshop and its stores there is a Mechanical Division under an Executive Engineer, assisted by a Deputy Engineer (Mechanical), a Deputy Engineer (Construction), a Deputy Engineer (Civil) and a Deputy Engineer (Stores). For purely administrative work the Director has the assistance of an Administrative Officer in Class II Service and a small ministerial establishment. The staff of the Institute proper numbers about three hundred and ten and includes several scientific assistants and research assistants. Outside the Institute proper is the organisation for Soil Survey. This organisation is constituted as a Soil Survey Division under a Soil Survey Officer in Class I Service with headquarters at Poona. There are four Sub-Divisions, with headquarters at Poona, Ahmednagar, Nagpur and Aurangabad, each under a Deputy Soil Survey Officer in Class II Service. The staff of the Soil Survey Division numbers about two hundred and ninety, and includes overseers, soil classifiers, survey assistants, scientific assistants, soil analysts, research assistants and laboratory assistants.

Special Organisation for Koyna Hydro-Electric Project

As already mentioned, executive responsibility for the Koyna Hydro-Electric Project has, on account of its magnitude and importance, been placed with two Chief Engineers who have no Secretariat responsibility and whose headquarters' establishments are situated outside the Secretariat. The Koyna organisation has two wings, a Civil Wing, headed by the Chief Engineer, Koyna, with headquarters at Karad in the Satara District, and an Electrical Wing, headed by the Chief Engineer (Electrical), Koyna, with headquarters at Bombay. The Chief Engineer, Koyna, is responsible for overall coordination of the two wings, though the Chief Engineer (Electrical), Koyna, is otherwise of equal rank. The Koyna Hydro-Electric Project consists of works extending over a wide area in Satara and Ratnagiri districts and also includes works at Hadapsar (Poona). The transmission lines have an even wider reach, touching Bombay in the north and Goa in the south. These works, so far as the civil wing is concerned, are entrusted, under the administrative control of the Chief Engineer, Koyna, to two Circles, each under a Superintending Engineer, viz. the Koyna Tunnels Circle and the Koyna Dam and Designs Circle. The Koyna Tunnels Circle is responsible for execution, supervision and inspection in respect of the Intake Tower, Head Race Tunnels, Surge Emergency Valve Tunnel, Pressure Shafts, Underground Power House, Tail Race Tunnel, Cable Tunnel, etc. and also roads and buildings pertaining to the project and water supply and drainage. The Koyna Dam and Design Circle is responsible for finalisation of designs and contract documents and specifications, etc., for all major items of works and also quality control during execution of all elements of civil engineering. For carrying out internal audit

of expenditure, making disbursements and compiling and maintaining accounts, there is a Chief Accounts Officer directly under the Chief Engineer. This officer functions for both the Civil and the Electrical Wings of the organisation.

Headquarters organisation under Chief Engineer, Koyna

At headquarters the Chief Engineer, Koyna, is assisted by a Personal Assistant of the rank of Executive Engineer and two Deputy Engineers.

Koyna Tunnels Circle

The Koyna Tunnels Circle at present consists of five Divisions, each under an Executive Engineer, as follows :

- (a) Koyna Colonies Division at Koyna with four Sub-Divisions for roads, buildings, and construction and, unlike other Divisional organisations, a Public Relations Officer, and four medical officers (three in Class II Service at Koyna and one in Class III Service at Pophali); the Division is also exceptional in that it includes a hospital at the Dam site, with suitable staff;
- (b) Stores Division at Koyna with four Sub-Divisions, three for Stores and one at Bombay for liaison work;
- (c) Power House Construction Division at Pophali with five Sub-Divisions, three for construction and two for steel lining;
- (d) Plant and Machinery Division at Pophali, with seven Sub-Divisions, two for concreting operations, one for quarry and crushing, one for second cable tunnel, one for transport and two Mechanical Sub-Divisions;
- (e) Stage III Construction Division for execution of preliminary work on Koyna Hydro-Electric Project, Stage III, with four Sub-Divisions.

The Circle also includes a Vigilance Unit for the whole organisation, consisting of an Executive Engineer and three Deputy Engineers.

Koyna Dam and Designs Circle

The Koyna Dam and Designs Circle at present consists of six Divisions as follows :

- (a) Dam Division No. I at Koyna under an Executive Engineer with four Sub-Divisions, including one for gates erection; in addition, the Division includes a staff of twelve Deputy Engineers for shift duties;

- (b) Four Designs Divisions, each under an Executive Engineer directly attached to the Circle Office, with a pooled staff of fourteen Deputy Engineers;
- (c) Research Division under a Research Officer of the rank of Executive Engineer, assisted by four Assistant Research Officers of the rank of Deputy Engineer.

Attached to the Circle is a Rehabilitation Officer from the cadre of Deputy Collectors, with a special officer of the rank of Mamlatdar under him for land acquisition.

Staff of two Koyna Circles

The staff of the two Circles numbers about one thousand and twenty, and includes medical personnel, and revenue and police officers.

Chief Accounts Officer, Koyna

The Chief Accounts Officer, Koyna, is the principal disbursing officer for the whole organisation, including that under the Chief Engineer (Electrical), Koyna, and he is responsible for compiling and maintaining the project accounts, and also for internal audit. He serves as adviser to the Chief Engineers on all accounts matters. Under him are an Accounts Officer, six Subordinate Accounts Service Accountants and other subordinate staff.

Chief Engineer (Electrical), Koyna : Functions and Organisation

The Electrical Wing of the Koyna Project organisation is responsible for design and construction of the electrical side of the Project, including the erection of transmission lines and receiving stations and the erection of electrical and mechanical equipment, including power-house and generating machinery. It is also responsible for power supply to works and buildings at the project site. Operation and maintenance of generating units which have come into use has now been transferred to the Maharashtra State Electricity Board. At headquarters, the Chief Engineer (Electrical), Koyna, has the assistance of a Superintending Engineer for Design and Coordination, a Personal Assistant of the rank of Executive Engineer, an Executive Engineer and Seven Deputy Engineers. The field staff is organised in two Circles, each under a Superintending Engineer, viz. the Generating Plant Construction Circle, with headquarters at Pophali, and the Transmission Construction Circle, with headquarters at Bombay. The Divisional organisation in these two Circles is as follows :

(A) Generating Plant Construction Circle :

- (1) Construction Power Plant Division, with headquarters at Koyna-nagar, with three Sub-Divisions;

- (2) Construction Division No. I at Pophali, with five Sub-Divisions;
- (3) Construction Division No. II at Panvel, with three Sub-Divisions;
- (4) Dam Power House and III Stage Division.

(B) Transmission Construction Circle :

- (1) Transmission Construction Division No. I at Panvel, with three Sub-Divisions;
- (2) Transmission Construction Division No. II, at Chiplun, with three Sub-Divisions;
- (3) Receiving Station Construction Division No. I at Koyna with two Sub-Divisions.

The staff of the electrical wing numbers about nine hundred, including Civil as well as Electrical and Mechanical Engineers.

Chart

A chart showing the organisation of the Department is appended.

CHAPTER FOURTEEN

DEPARTMENT UNDER LAW AND JUDICIARY DEPARTMENT

Charity Commissioner

Functions

The organisation under the Charity Commissioner was established to administer the Bombay Public Trusts Act, 1950, which regulates public religious and charitable trusts in the State, including societies formed either for a religious or charitable purpose or for both registered under the Societies Registration Act, 1860. Every trust falling within the scope of the Act is required to be registered with the Charity Organisation, the work of registration being done region-wise on the basis of the division of the State into regions and sub-regions by the State Government under the provisions of the Act. The registering authority has to hold an enquiry and make entries in the register according to his findings and also record subsequent changes. Accounts of every public trust have to be kept and audited in the prescribed manner, the Charity Commissioner having the power to order a special audit whenever in his opinion it is necessary to do so. Officers of the Charity Organisation have power of inspection and supervision, and in suitable cases the Charity Commissioner may order the recovery from trustees of public trusts or from other persons responsible of losses caused to the trusts by breach of trust, misapplication of funds or misconduct. The Charity Commissioner is declared by a provision in the Bombay Public Trusts Act, 1950, as *ex-officio* Treasurer of Charitable Endowments for the State of Maharashtra under the Charitable Endowments Act, 1890, and in this capacity holds securities of the value of more than Rs. 1,12,40,000 under the orders of the State Government and of the value of more than Rs. 1,10,10,000 under the orders of the Government of India. He may be appointed as the sole trustee of a public trust by a competent court or by the author of the trust, subject to his acceptance of the appointment. He may move a competent court to appoint a new trustee or replace a trustee in certain circumstances. He may also file a suit, or authorise two or more persons having an interest in the trust, to file a suit for certain reliefs. In the case of religious or charitable endowments vested in the State Government, including *devasthan*s, the Charity Commissioner may, with the sanction of the State Government, make provision for the performance of the duties of a committee of management responsible for the endowment in question in case of default. The Charity Commissioner is constituted as a corporation sole, with perpetual succession and a common seal and may sue or be sued in his corporate name. As such corporation he holds the Public Trusts Administration Fund, constituted of the fees and administrative charges leviable under the Act, other contributions and

recoveries under the Act and any sums which may be contributed by the State Government or any local authority. This Fund has to be applied to the payment of charges for the expenses incidental to the regulation of public trusts and generally for carrying into effect the provisions of the Act, including reimbursing the State Government for its expenditure on the salaries and allowances of the Charity Commissioner and the staff under him. Inquiries and appeals under the Act are deemed to be judicial proceedings in certain respects. In respect of officers subordinate to him, the Charity Commissioner is the appellate authority. In respect of certain decisions of the Charity Commissioner, including decisions in appeal, an appeal lies to a competent court or to the Maharashtra Revenue Tribunal, according to the nature of the appeal. A further appeal lies to the High Court in certain circumstances. In administrative matters the Charity Commissioner is subject to the control of the State Government.

Additional functions

In addition to his functions under the Bombay Public Trusts Act, 1950, and the Charitable Endowments Act, 1890, the Charity Commissioner functions as Registrar of Societies for the State of Maharashtra under the Societies Registration Act, 1860.

Provisions of Bombay Public Trusts Act, 1950, regarding officers

The structure of the organisation under the Charity Commissioner is to a large extent dictated by the provisions of the Bombay Public Trusts Act, 1950. This Act contemplates the appointment of a Charity Commissioner and, if the State Government so decides, a Joint Charity Commissioner who can exercise all or any of the functions of the Charity Commissioner. The Act provides that the Charity Commissioner has the following main powers and functions :

- (a) general superintendence of the administration;
- (b) disposing of appeals from findings of Deputy or Assistant Charity Commissioners in certain respects;
- (c) ordering special audits;
- (d) sanctioning investments of trust funds or sales; mortgages, etc. of trust properties;
- (e) holding inquiries into losses and ordering recoveries;
- (f) filing suits;
- (g) giving consent to suits on certain matters;
- (h) acting as sole trustee in certain circumstances.

For each region or sub-region the Act requires the appointment of a Deputy Charity Commissioner or Assistant Charity Commissioner and more than one officer may be appointed for a single region. In addition, the Act provides

for the appointment of a Director of Accounts, Assistant Director of Accounts, Inspectors and such other subordinate officers as may be deemed necessary. Powers of appointment of subordinate officers may be delegated by the State Government to the Charity Commissioner, a Deputy Charity Commissioner or an Assistant Charity Commissioner. Deputy and Assistant Charity Commissioners have the same powers and duties. These in brief are as follows :

- (a) maintenance of prescribed books, indices and other registers relating to public charities in the region or sub-region within their jurisdiction;
- (b) holding enquiries preliminary to registration or changes of entries;
- (c) carrying out inspections.

The State Government may delegate to the Charity Commissioner any of its powers or duties under the Act and it may also direct that any powers exercisable or duties or functions to be performed by any particular officer may be exercised or performed by any other officer.

Structure of head office

The head office of the Charity Organisation consists of the Charity Commissioner and, immediately below him, a Joint Charity Commissioner and a Director of Accounts. Under the Joint Charity Commissioner is a Deputy Charity Commissioner in charge of two branches (Devasthan Branch and Judicial Branch) and one Assistant Charity Commissioner in charge of one section (Litigation Section). The Director of Accounts has under him an Assistant Director of Accounts in charge of two branches (Accounts Branch and Establishment Branch). In the four branches there are four superintendents, one legal assistant, five accountants, several clerks, including bench clerks, stenographers and typists.

Structure of regional offices

There are six regional offices at the places named below, serving the areas mentioned against each :

| <i>Location of regional offices</i> | <i>Area served</i> |
|-------------------------------------|--|
| Bombay | Greater Bombay and the Districts of Thana and Kolaba. |
| Poona | Districts of Poona, Ahmednagar, Sholapur, Nasik, Dhulia and Jalgaon. |
| Kolhapur | Districts of Kolhapur, Satara, Sangli and Ratnagiri. |
| Nagpur | Districts of Nagpur, Chanda, Wardha and Bhandara. |
| Akola | Districts of Akola, Buldhana, Amravati and Yeotmal. |
| Aurangabad | Districts of Aurangabad, Parbhani, Nanded, Bhir and Osmanabad. |

The office at Bombay has a Deputy Charity Commissioner and an Assistant Charity Commissioner. Each of the other offices has an Assistant Charity Commissioner. The Assistant Charity Commissioners in the regional offices, in addition to their functions under the Bombay Public Trusts Act, 1950, also perform the functions of Assistant Registrars of Societies under the Societies Registration Act, 1860, for their respective regions. The lower staff in the regional offices consists of seven superintendents, twelve accountants, eighteen inspectors, two judicial clerks (in Bombay), steno-typists and stenographer.

Qualifications laid down by law for Charity Commissioner etc.

Under the Bombay Public Trusts Act, 1950, the Charity Commissioner and Joint Charity Commissioner are to be appointed from among persons who are holding or who have held a judicial office not lower in rank than that of a District Judge or Judge of the Bombay City Civil Court or the Chief Judge of a Presidency Small Causes Court, or from among legal practitioners of at least ten years' standing. To be qualified for appointment as Deputy Charity Commissioner, a person should hold or have held a judicial office not lower in rank than that of Civil Judge (Senior Division) or a Judge of a Court of Small Causes or an office regarded as equivalent or should be a legal practitioner of not less than eight years' standing. To be qualified for appointment as Assistant Charity Commissioner a person should hold or have held a judicial office not lower in rank than that of a Civil Judge (Junior Division) or an office regarded as equivalent or should be a legal practitioner or not less than seven years' standing. The Director of Accounts and Assistant Director of Accounts have to possess such qualifications as are prescribed in rules made under the Act.

CHAPTER FIFTEEN

DEPARTMENTS AND OFFICES UNDER INDUSTRIES AND LABOUR
DEPARTMENT

(i) Directorate of Industries

Functions

The main function of the Directorate of Industries is to foster the growth of industries in Maharashtra State. Its activities can be conveniently considered under the following heads:

- (1) large scale industries;
- (2) small scale industries;
- (3) cottage and village industries;
- (4) miscellaneous.

In the sphere of large scale industries the functions of the Directorate are somewhat restricted by the powers conferred by Parliament on the Central Government to regulate and control such industries. Under the Industries (Development and Regulation) Act, 1951, a licence from the Government of India is necessary for setting up a large scale industry listed in the Schedule appended to the Act. Factors like taxation, tariffs, and import and export controls which can be operated to stimulate the growth of industries are also within the field of activity of the Government of India. The State Government collects industrial statistics for large scale industries and sponsors their import licences and raw material requirements. In this sphere, therefore, the Directorate's activities relate to: (i) the processing of applications for industrial licences and making suitable recommendations; (ii) the giving of advice to parties on formalities and technical matters; (iii) assistance to industrialists in securing land, water, power and transport facilities; (iv) provision of laboratory facilities for the analysis of raw materials; and (v) promotion of industrial research by research grants.

In the sphere of small scale industries the Directorate has a major role to play. Its functions in this field are: (i) to assist the parties in securing land, water, power and transport facilities; (ii) to develop suitable sites in the industrial estates so as to offer to the small entrepreneurs ready built workshops with power, water and servicing facilities; (iii) to grant financial assistance under the State Aid to Industries Rules and subsidy on power supply and to sponsor the grant of such assistance by institutions like the Maharashtra State Financial Corporation, the State Bank of India and the Joint Stock

Banks wherever possible under cover of a guarantee from the State Government; (iv) to sponsor grant of machinery on hire purchase basis to small units by the National Small Scale Industries Corporation; (v) to assist the parties in securing machinery and raw materials both imported and indigenous and other materials like cement and coal; (vi) to assist the parties in marketing products by registration with the Central Stores Purchase Organisation, the Directorate General of Supplies and Disposals and the National Small Scale Industries Corporation for participation in the Government stores purchase programme, under which certain preferences are available to small scale units and certain items are exclusively reserved for purchase from them; and (vii) to improve the marketability of the products of small scale industries by persuading them to join the Quality Marking Scheme under which Quality Marking Centres are maintained at Bombay for products like paints, leather goods, stoves and burners, boots, chappals and printed textiles and at Kolhapur for oil engines.

In the sphere of cottage and village industries the organisation of training-cum-production centres and the grant of financial assistance to artisans and formation of artisan industrial cooperatives is now the responsibility of *Zilla Parishads*. The Directorate's activities mainly relate to the encouragement of such industries by marginal preference in the State purchase programme, and technical guidance and assistance to *Zilla Parishads*. The Directorate is also responsible for the execution of a special project for concentrated rural industrialisation in four districts, viz. Ahmednagar, Ratnagiri, Wardha and Osmanabad.

Among the miscellaneous functions of the Directorate are: (a) stores purchase for offices and departments of the State Government through a Central Stores Purchase Organisation; (b) administration of the Bombay Weights and Measures (Enforcement) Act, 1958; (c) operation of the Textile Control Orders issued by the Central Government under powers delegated by the Textile Commissioner of the Government of India; (d) enforcement of the Emblems and Names (Prevention of Improper Use) Act, 1950; (e) collection of commercial intelligence and industrial statistics, conduct of enquiries into financial standing of commercial and industrial establishments on behalf of the State or Central Government or Trade Commissioners of foreign Governments and registration of small scale industries; (f) administration of the Bombay Gas Supply Act, 1939; and (g) conduct of the Government Distillery at Chitali in Ahmednagar District for the production of industrial alcohol and a Common Facility Centre at the Nagpur Industrial Estate providing service facilities to small scale engineering units and giving training to artisans in the operation of specialised machinery and tools.

Activities

The activities of the Directorate, in carrying out the functions described above, include the scrutiny of applications for the grant of lands for industrial

purposes on the basis of master plans approved by the State Government for areas considered suitable for intensive industrial development, and the processing of applications for electric power in Greater Bombay and Thana and the grant of subsidies to small scale units to meet the costs of electric power in the mofussil where rates of electricity charges and of duty are comparatively high. The Department conducts Industrial Research Institutes at Bombay and Poona and a Small Scale Industries Research Institute at Poona at which analytic and testing work is done. Grants and scholarships are disbursed for research of industrial importance. Dispersal of industries is promoted by the organisation of industrial estates where well planned sites are made available to entrepreneurs who cannot afford to develop such sites themselves. Such estates are promoted through local authorities, cooperative societies or the Maharashtra Industrial Development Corporation. The State Government contributes to the share capital of cooperative societies and loans from the Life Insurance Corporation are underwritten. Direct financial assistance is given to cottage and small scale industries under the State Aid to Industries Act, 1960, and assistance is given to the securing of aid from financial institutions like the State Financial Corporation and the State Bank of India. Apart from the normal activities of the Directorate, it may be called upon to undertake special work of relief and rehabilitation in the field of small scale and cottage industries at times of distress, such as goldsmith relief. After the declaration of national emergency, the Directorate has undertaken the work of industrial mobilisation within the State, including assistance to defence procurement organisations of the Central Government in locating supplies and in inducing suppliers to divert civilian production to defence purposes where feasible and provision of help in finding sites for defence industrial units.

Headquarters Organisation

At the head of the Directorate is the Industries Commissioner who is an officer of the Indian Administrative Service. The Industries Commissioner is vested with the functions of the Director of Industries and he is *ex-officio* Additional Secretary to Government in the Industries and Labour Department. In this latter capacity he has authority to pass orders on behalf of the State Government in certain matters without having to make a formal reference to the Department. The Industries Commissioner is also *ex-officio* Controller of Weights and Measures under the Bombay Weights and Measures (Enforcement) Act, 1958, State Textile Controller under the Textile Control Orders, the appellate authority under the Bombay Gas Supply Act, 1939, and the Coal Controller, Maharashtra State, under the Bombay Coal Control Order, 1959. He is assisted at headquarters by two Joint Directors of Industries. One Joint Director is in charge of the development wing, industrial licensing, land, rural industries, industrial estates, export promotion, emergency work, fertiliser corporation matters, commercial intelligence and establishment, and he is assisted by six Deputy Directors of Industries, one of whom is also Gas

Inspector under the Bombay Gas Supply Act, 1939, one Assistant Industries Commissioner and nine Industries Officers. The other Joint Director of Industries is in charge of stores purchase, weights and measures, raw materials, cottage industries, hire purchase of machinery, loans and subsidies and goldsmith relief. He is assisted by a Deputy Director of Industries, an Assistant Director of Industries, an Officer on Special Duty and fourteen Industries Officers. Directly under the Industries Commissioner is an Accounts Officer who looks after all accounts matters, budget and audit and two Personal Assistants, one of whom deals with technical matters and the other with administrative matters. The other establishment at headquarters consists of heads of branches, noting assistants, auditors, chief zonal inspector, senior and junior inspectors, coir and fibre expert, leather expert, wool expert, clerks, stenographers and typists.

Field Organisation

The field staff of the Department is under the control of three Regional Deputy Directors of Industries, with headquarters at Bombay, Poona and Nagpur for the Bombay, Poona and Nagpur Divisions and an Assistant Director of Industries, with headquarters at Aurangabad, for the Aurangabad Division. Greater Bombay, however, comes directly under the headquarters office, as also do the Superintendent of the Government Distillery at Chitali, the four Assistant Directors of Industries in charge of Rural Industrialisation posted at Sangamner in Ahmednagar District, Vengurla in Ratnagiri District, Wardha in the district of that name and Latur in Osmanabad District, the Superintendent in charge, Common Facility Centre, at Nagpur, and the Quality Marking Centre at Kolhapur. The work of the regional Deputy Directors and of the Assistant Director at Aurangabad is mainly that of technical coordination, promotion, training and inspection in regard to weights and measures, industrial estates and registrations for power subsidy. They also supervise the work of the departmental laboratories, institutes and centres in their regions. Under the Deputy Director, Poona Region, are the Superintendent, Small Industries Research Institute, Poona, and the Industrial Research Laboratory, Poona. Under the Deputy Director, Nagpur Region, are a Textile Officer and an Assistant Director of Industries. In each district, other than Greater Bombay, there is an Industries Officer who is responsible for the work of the Directorate within the district. Each Industries Officer is assisted by a number of Industries Inspectors stationed at taluka or tahsil headquarters. The Industries Officers are directly responsible, not to the Deputy Director of Industries or Assistant Director of Industries for the Division concerned, but to the Collectors of the districts who are appointed *ex-officio* Deputy Commissioners of Industries and who are vested with several of the executive powers of the Industries Commissioner. In Greater Bombay, directly under the headquarters office, are the Industrial Chemist's Laboratory, a Weights and Measures Standards Laboratory and a Quality Marking Centre.

Chart

A chart showing the organisation of the Directorate is appended.

(ii) Labour Department

Functions

The Labour Department is concerned mainly with the administration of laws relating to industrial employment, employer-labour relations and welfare of labour. Attached to the Department for administrative purposes are the Factory and Steam Boilers Inspection Departments which administer the laws relating to control over factories and steam boilers. The Acts administered by the Labour Department proper are the following :

Central Acts

1. Industrial Disputes Act, 1947,
2. Indian Trade Unions Act, 1926,
3. Industrial Employment (Standing Orders) Act, 1946,
4. Minimum Wages Act, 1948,
5. Working Journalists (Conditions of Service and Miscellaneous Provisions) Act, 1955,
6. Motor Transport Workers Act, 1961.

State Acts

1. Bombay Industrial Relations Act, 1946,
2. C. P. and Berar Industrial Disputes Settlement Act, 1947,
3. Bombay Shops and Establishments Act, 1948.

The Industrial Disputes Act, 1947, provides for the investigation and settlement of industrial disputes by negotiation, conciliation and adjudication and for certain other ancillary purposes like the prevention of illegal strikes and lock-outs and relief to workmen in the matter of lay off and retrenchment. Various authorities like Conciliation Officers, Boards of Conciliation, Courts of Enquiry, Labour Courts and Industrial Tribunals have been constituted under the Act for its enforcement. Officers of the Labour Department have been notified as Conciliation Officers. When a dispute relates to a public utility service and a notice of strike or lock-out is given, conciliation proceedings are obligatory. In other cases they are optional. If conciliation fails, the dispute may be referred to a Board of Conciliation of which an officer of the

Department is usually Chairman or it may be referred to the adjudication of a Labour Court or an Industrial Tribunal. In rare cases a Court of Inquiry may be instituted on an *ad-hoc* basis. The Act provides for the constitution of Works Committees in industrial establishments employing 100 or more workmen. Officers of the Department have to see that these Committees are set up and work smoothly.

The Indian Trade Unions Act, 1926, regulates the affairs of trade unions and ensures their proper constitution, smooth running and maintenance of accounts. One of the Deputy Commissioners of Labour at Bombay functions as Registrar of Trade Unions under the Act. He has jurisdiction over the whole State, but the Deputy Commissioner of Labour at Nagpur and Assistant Commissioners of Labour at Poona and Aurangabad have been appointed as Additional Registrar of Trade Unions and Deputy Registrars of Trade Unions respectively for their areas, and they assist the Registrar.

The Industrial Employment (Standing Orders) Act, 1946, requires employers in industrial establishments to define conditions of service, viz. recruitment, discharge, disciplinary action, holidays and leave. Model standing orders have been framed and made applicable to the industrial establishments which come within the scope of the Act, and any changes in or amendments of these orders can only be made with the consent of an officer of the Department, who is notified as a Certifying Officer under the Act.

The Minimum Wages Act, 1948, provides for the fixation of minimum wages in certain industries. Officers of the Department function as Inspectors under the Act. The fixation or revision of minimum rates of wages is done by the State Government either on the advice of Advisory Committees appointed under the Act or after ascertaining the views of the parties concerned without reference to Advisory Committees.

The Working Journalists (Conditions of Service and Miscellaneous Provisions) Act, 1955, regulates certain conditions of service of working journalists and other persons employed in newspaper establishments. Certain officers of the Department function as Inspectors under the Act.

The Motor Transport Workers Act, 1961, provides for the welfare of motor transport workers and regulates their working hours, besides providing facilities for their health and welfare. All units covered by the Act are registered and registration is renewed every year on payment of proper fee. One of the Deputy Commissioners of Labour at Bombay is appointed as the Chief Inspector for the entire State under the Act and other officers have been notified as Inspectors under the Act.

The Bombay Industrial Relations Act, 1946, which applies only in Western Maharashtra, regulates the relations of employers and employees in

the textile industry, sugar industry, banking companies not having branches outside the State of Maharashtra, undertakings for the generation and supply of electric energy in the local area of Greater Bombay and some other districts and public passenger transport undertakings in Greater Bombay. It also provides for the settlement of industrial disputes in these industries. The Industrial Disputes Act, 1947, simultaneously applies to matters relating to retrenchment compensation, lay off compensation, etc. and to recovery of money due from an employer in the case of industries governed by the Bombay Industrial Relations Act, 1946. The two Acts have in the main the common object of settling industrial disputes by negotiation, conciliation and arbitration. There is, however, an important difference between them in respect of the recognition given to a registered union. If a union is registered under the Bombay Industrial Relations Act, 1946, it gains representative status for the purpose of collective bargaining on behalf of the workmen in the particular industry in the particular area to the exclusion of other unions. If the employer or employees of an undertaking desire to effect a change in the service conditions, the representative union and, where there is no union, the elected representatives of the employees or the Labour Officer or the management, as the case may be, have to serve a notice to effect the change. The Bombay Industrial Relations Act, 1947, also provides for the appointment of Wage Boards.

The Central Provinces and Berar Industrial Disputes Settlement Act, 1947, is in force in Vidarbha. It applies to all industries except saw-mills, mines and industries carried on by or under the authority of the Central Government, which are covered by the Industrial Disputes Act, 1947. The provisions of the Act are in many respect similar to those of the Bombay Industrial Relations Act, 1946.

The Bombay Shops and Establishments Act, 1948, provides for the regulation of the hours of work and other conditions of employment in respect of persons employed in shops, hotels, restaurants, theatres and other places of public amusement. The Act has been made applicable to several urban areas and its enforcement is generally entrusted to the municipality having jurisdiction in the area. Officers of the Labour Department are appointed as Supervising Officers under the Act. In the Poona, Kirkee and Deolali Cantonments and in some towns in Vidarbha and Marathwada, the enforcement of the Act is the direct responsibility of the State Government and there are Government Inspectors of Shops and Establishments who carry out the functions which are in other areas carried out by Municipal Inspectors.

In addition to the administration of the legislation mentioned above, the Department of Labour is responsible for maintaining a list of approved candidates for appointment as Welfare Officers in factories as required by the Welfare Officers (Recruitment and Conditions of Service) Rules, 1952. The

Department runs a Labour Institute at Bombay for imparting training in the theory and practice of labour welfare work and industrial relations. The Institute is affiliated to the University of Bombay for the post-graduate diploma course in Labour Welfare and it also conducts studies in labour and social problems. The Department conducts Industrial Training Workshops at Kurla, Sholapur and Aurangabad for imparting basic knowledge in the technical trades to industrial workers so as to provide them with means of alternative employment in case of unemployment. The Department manages, in cooperation with the Millowners' Associations at Bombay and Sholapur, decasualisation schemes which aim at registration of mill labour and systematisation of recruitment of such labour so as to obviate waste of manpower and reduce unemployment. Training of textile workers is also arranged. The Department undertakes a systematic study of working conditions in different industries in respect of wages, allowances, holidays and retrenchment benefits with a view to working out standards which could be recommended for adoption. It also examines breaches of the Code of Discipline adopted by the Conference held at Nainital in 1958. An important activity of the Department is the conduct of socio-economic enquiries relating to workers and their families from time to time and the compilation of cost of living indexes for several centres in the State. A recent development has been the collection of information about prices through an enquiry into working class family budgets at various centres for the purpose of compiling a Consumer Price Index number.

Functions of Factory and Steam Boilers Departments

The Factory Department and the Steam Boilers Department which constitute separate wings under the administrative control of the Commissioner of Labour, who is the head of the Labour Department, are concerned with the administration of the following laws:—

Factory Department

1. The Factories Act, 1948,
2. The Payment of Wages Act, 1936,
3. The Employment of Children Act, 1938,
4. The Workmen's Compensation Act,
5. The Bombay Maternity Benefit Act,
6. The Cotton Ginning and Pressing Factories Act, 1925.

Steam Boilers Department

1. The Indian Boilers Act, 1923,
2. The Bombay Smoke Nuisances Act, 1912.

Under the Factories Act, control is exercised over conditions of work within factories of two categories, viz. (a) factories employing ten or more workers and operating power driven machinery or those employing twenty or more workers where manual work is carried on, and (b) factories not coming within the scope of item (a) but specially notified as factories. The Act is enforced through regular inspection and the collection of information. Advice is also given to managements as to the removal of defects and prosecutions undertaken for serious breaches of the law. Provision also exists for medical examinations in factories by certifying surgeons. Under the Payment of Wages Act, 1936, inspections are carried out to ensure that workers receive their wages regularly on the notified days without any illegal deductions. Under the Workmen's Compensation Act, inspections are carried out to ensure that suitable compensation is paid to workers for injuries received in the course of their work. Safety Committees are organised in factories and advice is given to managements regarding the adoption of measures to avert accidents and safeguard the health of workers. Under the Bombay Maternity Benefit Act, the Department sees that the benefits under the Act are actually provided to women workers. A Lady Inspector of Factories is specially entrusted with this responsibility. The Department also ensures through its inspectorate that the provisions of the Employment of Children Act, 1938, are not violated. Similarly, the inspectorate checks that buildings in which cotton ginning and pressing are carried out conform to the requirements prescribed under the Bombay Cotton Ginning and Pressing Act, 1925.

Under the Indian Boilers Act, 1923, control is exercised over the use of steam boilers to ensure safety and economical use of the heat produced by the boilers. Control is also exercised over the pollution of the atmosphere under the Bombay Smoke Nuisances Act, 1912, which is applied to certain large industrial centres. The Steam Boilers Department also arranges for the examination of candidates for Certificates of Competency as Boiler Attendants and Certificates of Proficiency as Engineers. There is a Board of Examiners for the examinations.

Headquarters Organisation

At the head of the Labour Department is the Commissioner of Labour with headquarters at Bombay. He is also Director of Employment, in which capacity he has a separate organisation under him. The Commissioner of Labour is assisted at headquarters by three Deputy Commissioners of Labour and four Assistant Commissioners of Labour. One Deputy Commissioner of Labour looks after work relating to the Minimum Wages Act and Minimum Wage Advisory Committees, the Bombay Shops and Establishments Act and the Motor Transport Workers Act. The second Deputy Commissioner is in charge of administration, Conferences, Committees, miscellaneous Acts, and the Personnel Management Advisory Service Scheme which has been recently

introduced. The third Deputy Commissioner of Labour is in charge of the administration of the Industrial Disputes Act, 1947, and the Bombay Industrial Relations Act, 1946. He is also in charge of industrial relations in the Bombay and Poona Divisions and has under him eight Assistant Commissioners of Labour for conciliation work under both the Acts. He is also responsible for the work relating to the study of working conditions in various industries with a view to formulating standards for different industries. For this purpose there is a separate Norms Branch in the Department. One of the Deputy Commissioners of Labour is notified as Registrar of Trade Unions under the Indian Trade Unions Act, 1926. Of the four Assistant Commissioners of Labour one is also Personal Assistant to the Commissioner. He is in charge of six branches which deal with organisation and methods, establishment (including registry), accounts and planning. He is assisted by a Special Officer for organisation and methods work. One Assistant Commissioner is vested with the powers of the Chief Government Labour Officer under the Bombay Industrial Relations Act, 1946. In this capacity he supervises the work of sixteen Government Labour Officers in the field organisation posted in Greater Bombay and nineteen Government Labour Officers posted in the districts of Western Maharashtra. He has three branches under him, dealing with labour intelligence, individual complaints and implementation of the Code of Discipline adopted at Nainital in 1958. One Assistant Commissioner is Registrar of Unions under the Bombay Industrial Relations Act, 1946. Such registration is independent of registration under the Indian Trade Unions Act, 1926. In addition to the work of registration he also attends to conciliation under the Industrial Disputes Act, 1947, cases under the Personnel Management Advisory Service Scheme, work relating to Consumer Price Index Numbers, collection of intelligence relating to prices and references from the International Labour Organisation. Under him is an Assistant Registrar of Unions and one branch. One Assistant Commissioner of Labour is in charge of branches dealing with socio-economic surveys, statistics, publication of the Labour Gazette and Industrial Court Reporters. Altogether the headquarters office works in thirty-one branches, sixteen of which are under the Deputy Commissioners of Labour. Some of these sixteen branches submit work to the Deputy Commissioner of Labour concerned through the Assistant Commissioners of Labour for conciliation.

Field Organisation

Outside headquarters there is a Deputy Commissioner of Labour posted at Nagpur who supervises the work of the Department in Vidarbha and Marathwada, supervision of the work in Bombay and Poona Divisions being the responsibility of the Deputy Commissioner of Labour for Administration at headquarters. Under the Deputy Commissioner of Labour, Nagpur, are an Assistant Commissioner of Labour, Aurangabad, Government Labour Officers at Akola, Amravati and Bhandara, an Assistant Inspector, Shops and

Establishments, for Khamgaon, Achalpur and Yeotmal, a Junior Inspector, Shops and Establishments, for Wardha and Gondia and a Minimum Wage Inspector at Chanda. Under the Assistant Commissioner of Labour, Aurangabad, are a Government Labour Officer at Nanded, Inspectors, Shops and Establishments, at Parbhani and Bhir and a Superintendent, G.I.T. Workshop, Aurangabad. The officers directly under headquarters are an Assistant Commissioner of Labour at Poona, Director of the Bombay Labour Institute, Superintendents, G.I.T. Workshops at Kurla and Sholapur and a Local Manager for the Decasualisation Scheme at Bombay, with four Sectional Officers under him. Under the Assistant Commissioner of Labour, Poona, are Government Labour Officers at Sholapur, Kolhapur, Sangli and Ahmednagar. The Government Labour Officer at Sholapur is Local Manager for the Decasualisation Scheme at that place.

Department of Factories

In charge of the Department of Factories is a Chief Inspector of Factories, with headquarters at Bombay, under the administrative control of the Commissioner of Labour. Under him are three Deputy Chief Inspectors of Factories, stationed at Bombay, Poona and Nagpur. Directly under headquarters are four Senior Inspectors and eleven Junior Inspectors of Factories, eight Inspectors of Notified Factories, one Technical Inspector of Factories, three Inspectors under the Payment of Wages Act, including a Lady Inspector, a Medical Inspector of Factories, a Junior Medical Inspector of Factories, a Certifying Surgeon, a Legal Assistant, and an Organisation and Methods Officer. Under the Deputy Chief Inspector of Factories, Poona, are a Senior Inspector of Factories at Poona, Junior Inspectors of Factories at Sholapur, Dhulia and Kolhapur and Inspectors of Notified Factories at Jalgaon, Nasik and Sangli. Under the Deputy Chief Inspector of Factories at Nagpur, are Junior Inspectors of Factories at Akola and Aurangabad and an Inspector of Notified Factories at Bhandara.

Advisory Committees in Factory Department

There are four Tripartite Advisory Committees for the purpose of the Factories Act. They contain representatives of employers and employees and they tender advice regarding measures to be taken to remove difficulties in carrying out the provisions of the Act or to ensure more effectual compliance with the requirements of the Act, particularly in regard to the health, safety and welfare of the workers. One Committee, with headquarters at Bombay, functions for Greater Bombay and Thana and Kolaba Districts. Another, with headquarters at Sholapur, functions for Sholapur, Ahmednagar, Dhulia, Jalgaon, Nasik, Poona, Aurangabad, Parbhani, Nanded, Bhir and Osmanabad Districts. The third, with headquarters at Kolhapur, functions for Kolhapur, Satara, Sangli, and Ratnagiri Districts. The fourth, with headquarters at

Nagpur, functions for Vidarbha. The Commissioner of Labour is Chairman of the Committee at Bombay. The Commissioner of Labour or his nominee is Chairman of each of the other Committees.

Steam Boilers Department

At the head of the Steam Boilers Department is a Chief Inspector of Steam Boilers, with headquarters at Bombay. He is also Chief Inspector of Smoke Nuisances, and he is Chairman of the Board of Examiners which give certificates of proficiency and competency under the Maharashtra Boiler Rules, 1962. There is a Senior Inspector of Steam Boilers and Smoke Nuisances at Nagpur and Inspectors of Steam Boilers at Bombay and Sholapur.

Chart

A chart showing the organisation of the Labour Department is appended.

(iii) Directorate of Employment

Functions

The Employment Exchange Organisation was taken over by the State Government from the Central Government in November 1956. The main functions of the Organisation are: (a) to register applicants seeking employment assistance, to register demands for workers from employers and to select and submit suitable applications to the employers, and (b) to collect employment market information. The first function is performed through a net-work of Employment Exchanges at the headquarters of all districts designed to serve not only the larger cities but the mofussil areas as well. A beginning has been made in the further extension of the service to rural areas by establishing nine Employment Information and Assistance Bureaux at the following Community Development Blocks, viz. Achalpur in Amravati District, Ahmedpur and Gangahad in Osmanabad District, Arvi in Wardha District, Babulgaon in Yeotmal District, Deogad in Ratnagiri District, Karad in Satara District, Mominabad in Bhir District and Poladpur in Kolaba District. The object is to keep persons in the areas served who have the requisite skills for industrial employment in constant touch with employment opportunities in urban areas, particularly in lines in which shortages are experienced, and at the same time to discourage the aimless exodus from rural areas of persons lacking these skills. The second function relates to the observation of changes in the pattern of employment both in the public and private sectors and the collection of information regarding the pattern of employment in each. All establishments in the public and private sectors which employ ten or more persons are required to furnish basic information about the number of persons employed, shortages

of experienced persons and anticipated changes in the size of the labour force at periodical intervals. Similar information is obtained biennially from establishments in the private sector employing from five to nine persons. Twenty-five units for the collection of employment market information have been opened at different Exchanges in the State to undertake public sector study. Private sector study has been introduced at fourteen selected Exchanges, viz. Regional Employment Exchange, Bombay, the Sub-Regional Employment Exchanges at Amravati, Aurangabad, Poona, Nagpur, Nasik and Sholapur and the District Employment Exchanges at Ahmednagar, Akola, Dhulia, Jalgaon, Kolhapur, Nanded and Sangli. At a number of Employment Exchanges there are sub-sections to provide vocational guidance to young people and also to assist unsuitably employed adults in choosing better occupations. Under this programme, twelve Youth Employment Service Units have been opened at the Regional Employment Exchange, Bombay, the Sub-Regional Employment Exchanges at Amravati, Aurangabad, Nagpur, Nasik and Sholapur, and the District Employment Exchanges at Jalgaon, Kolhapur, Nanded, Ratnagiri and Sangli. The main purpose of the programme is to direct young people into those careers for which they are temperamentally and intellectually suited. University Employment and Guidance Bureaux have also been set up at the Universities of Bombay and Nagpur where vocational guidance is given to college students and they are brought directly into touch with the employment market within the university campus. Another important activity of the organisation is the collection of occupational information and of data relating to institutional and in-plant training facilities available in the State. The occupational information collected by the organisation has been utilised for preparing job definitions, job analysis and descriptions and the production of a national classification of occupations.

Notification of Vacancies

Under the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959, all vacancies with certain exceptions in all public sector undertakings and private industrial establishments employing more than twenty-five persons have to be notified to the Employment Exchange operating for the area in which the undertaking is situated. The Exchange supplies particulars of qualified persons, if available on its register, but it is found that the number of Exchange candidates actually employed in the vacancies reported is relatively small.

Headquarters Organisation

At the head of the Directorate is the Director of Employment, Maharashtra State. This office is, however, held by the Commissioner of Labour in addition to his own. At headquarters, the Director of Employment is assisted by a Deputy Director of Employment, an Assistant Director

D. C. L.
Bombay

Superintendents
(2)
G. I. T. Workshops

of Employment, an Employment Market Information Officer, an Employment Liaison and Youth Employment Officer and Assistant Employment Officer, Occupational Information. The Deputy Director of Employment and the Assistant Director of Employment are in charge of establishment, accounts and budget, formulation and implementation of plan schemes, employment exchange procedure and policy. They also exercise general supervision over the work of all the officers in the Directorate and inspect Employment Exchanges. They also look after the setting up of Employment Advisory Committees. The Employment Market Information Officer, with a special unit under him, supervises, coordinates and inspects the work pertaining to the collection of employment market information at the various Exchanges, prepares periodical reports, and plans the development of the employment market information programme. The Employment Liaison and Youth Employment Officer organises, supervises and coordinates the working of the Vocational Guidance Units at the Exchanges. He is also Secretary of the State Committee on Employment. The Assistant Employment Officer, Occupational Information, is in charge of the study of various occupations, analysis and preparation of job descriptions, submission of periodical reports, collection of data, and institutional and in-plant training facilities.

Field organisation

The field organisation consists of : (a) a Regional Employment Officer at Bombay, assisted by six Assistant Employment Officers, in charge of the Regional Employment Exchange, Bombay, (b) Sub-Regional Employment Officers at Bombay, Poona, Nasik, Sholapur, Nagpur, Amravati and Aurangabad, assisted by six Assistant Employment Officers at Bombay, Poona and Nagpur, in charge of Sub-Regional Employment Exchanges for Greater Bombay and the six other districts, (c) District Employment Officers in charge of District Employment Exchanges in nineteen districts which do not have Sub-Regional Employment Exchanges, and (d) an Employment Officer at Bombay in charge of the Special Employment Exchange for the Physically Handicapped. While the Regional Employment Exchange at Bombay deals with registration and other work relating to professional, technical, administrative and clerical employment, the Sub-Regional Employment Exchange at the same place deals with registration and other work relating to employment in lower categories.

Advisory Committees

There is a Regional Employment Advisory Committee in Bombay with the Collector of Bombay as Chairman and with representatives of employers, workers, important Government Departments, the Municipal Corporation and the Maharashtra State Soldiers', Sailors', and Airmen's Board, as members and the Regional Employment Officer as Secretary. There are Sub-Regional

Employment Advisory Committees at Poona, Sholapur, Amravati, Nagpur and Aurangabad, and District Employment Advisory Committees in certain other districts under the chairmanship of the Collectors. The function of these Committees is to advise the Employment Exchanges on all matters relating to employment. There is an Advisory Committee for the Special Employment Exchange for the Physically Handicapped, Bombay. The Commissioner of Labour and Director of Employment is the Chairman of the Committee. The function of the Committee is to advise the Manager on all matters connected with the employment of the physically handicapped.

(iv) Directorate of Geology and Mining

Functions

The Directorate of Geology and Mining was established in May 1957 with headquarters at Nagpur, which is the heart of the mineral belt of the State. Its primary function is to carry out geological survey, mapping and prospecting to assess the mineral resources of the State, including drilling operations where necessary, and to undertake the investigation of mineral occurrences reported by private individuals, Government Departments or other organisations. The information collected by the Directorate is useful for the preparation of plans for setting up mineral based industries in particular and for proper exploitation of the mineral wealth of the State in general. The Directorate also advises the Collectors of districts and the State Government in the matter of granting, renewing and determining various mineral concessions under the provisions of the Mines and Minerals (Regulation and Development) Act, 1957, and the Mineral Concession Rules, 1960, in so far as authority is vested in the State Government and its officers. It assists Collectors and holders of mineral concessions in the matter of implementation of various rules, regulations, acts and executive instructions pertaining to mining.

Headquarters organisation

The Director of Geology and Mining is the head of the Directorate and he is helped by a Joint Director in the head office. Under the Joint Director is a Senior Geologist who is in charge of the Investigation Section of the office. In this Section, a Senior Chemist, assisted by three Chemists, carries out analysis of samples and other laboratory work. In the same Section are a Statistical Officer in charge of a Statistical Branch. The library, museum and laboratory constitute a separate branch in the Section. The rest of the head office is directly under the Joint Director and has a General Branch and a Stores and Accounts Branch. The latter is under an Accounts Officer.

Field staff

The field staff of the Directorate consists of two Sections, namely, (i) the Geological Prospecting and Inspectorate Section and (ii) the Drilling

Section. Both the Sections are under the Senior Geologist stationed at headquarters. The Geological Prospecting and Inspectorate Section carries out inspections of mines and undertakes intensive geological survey and prospecting work. The gazetted staff of the Section includes six Geologists and ten Assistant Geologists. A post of Drilling Engineer has been sanctioned for the Drilling Section. There is also some non-gazetted staff in the two Sections. The field staff is posted at the discretion of the Director at important centres for attending to the major and minor mineral administration work, geological mapping and prospecting work and ancillary matters, and the Director has power to move the staff about as the exigencies of the work, may require. At present a Geologist has been posted at Kolhapur to advise field parties and mining concessionaires in the area and detailed prospecting and drilling for iron ore has been undertaken in Ratnagiri and Chanda Districts, for coal in Nagpur and Chanda Districts, for limestone in Yeotmal District and for bauxite in Kolaba and Kolhapur Districts. Detailed prospecting and surveys of other minerals, like copper and mica, has also been started in different areas of the State.

Statutory powers of officers of the Directorate and revenue officers

The Director of Geology and Mining, the Joint Director, the Geologists, the Assistant Geologists, the Collectors of districts and their subordinates upto the rank of Mamlatdars or Tahsildars have been invested with powers to enter and inspect any mine for collection of royalty and rent, prevention of illegal extraction of minerals, enforcement of orders of the State Government to suspend or close mining operations, stopping and checking illegal movement of minerals and, in cases where renewal of a prospecting licence is applied for, ascertaining the necessity thereof. The Director and several other officers of the Department have also been invested with powers to examine the accounts kept by mining concessionaires, to call for information and returns and to inspect prospecting and mining operations. The Director is empowered to require a mining lessee to strengthen and support any part of a mine where such strengthening and support is necessary for the safety of a reservoir, canal, road, building or public work.

(v) Director of Government Printing and Stationery

Functions

The Printing and Stationery Department is a service department and its main functions are :

- (1) executing and supervising the printing and binding work of the Government of Maharashtra and sale of all Government publications;

- (2) supply of stationery, clothing, cycles, time-pieces, wall clocks, typewriters, duplicators, umbrellas and kambhis to various Government offices;
- (3) repairs to typewriters, cycles and duplicators;
- (4) printing and stocking and sale of nationalised text books for the State;
- (5) disposal of waste paper of the Government offices in the State.

Activities

The work of printing and binding on behalf of the State Government is carried out at the following press :

- (a) Government Central Press, Bombay,
- (b) Yeravda Prison Press, Poona,
- (c) Government Photozincographic Press, Poona,
- (d) Government Press, Nagpur,
- (e) Government Jail Press, Nagpur,
- (f) Government Press, Kolhapur.

Forty per cent of the total printing work is executed at the Government Central Press, Bombay, including all confidential printing, such as secret abstracts and examination papers. The Yeravda Prison Press is mainly used for the printing of standard forms. The Photozincographic Press, which is a combined letter press and litho and offset printing unit, is used mainly for the printing of maps, and nationalised text books. The Government Press at Nagpur is specially equipped for book work. The Central Jail Press at Nagpur, which came under the control of the Department in April 1962, mainly handles tenancy forms and the binding of patwari forms. The Government Press at Kolhapur is equipped for short run printing work, such as High Court appeals, audit notes and special forms. The execution of work in the Government Presses is governed by general orders issued by the State Government. No work may be executed at the Presses which is not covered by these orders, except with the express sanction of the State Government. Work is also undertaken at the Government Presses for Departments of the Central Government under special arrangements. Work is also undertaken at the Government Presses for *Zilla Parishads* and municipalities on certain terms. To meet the growing pressure of printing work, a programme of expansion is under way, including the establishment of a new press adjacent to the Central Press at Bombay and of a Text-book Press near Poona.

Attached to the Government Press at Nagpur and to the Government Photozincographic Press at Poona are Book Depots for the local sale of official

publications and attached to the Government Press at Kolhapur is a Stationery Stores. Other establishments under the Department are Stationery and Book Depots at Bombay, a Stationery Depot at Nagpur and a Stationery Stores and Book Depot at Aurangabad. Workshops are attached to the Stationery Depots at Bombay, Nagpur and Aurangabad where repairs to typewriters, duplicators and cycles are carried out. The supply of stationery and certain office accessories, like typewriters and duplicators, is centralised in the Department, though purchases have to be made through the Central Stores Purchasing Organisation in the Directorate of Industries. The distribution of stationery and other articles to establishments in Greater Bombay and Dhulia, Jalgaon, Nasik, Thana, Kolaba, Ahmednagar and Poona districts is made from the Stationery Depot at Bombay, that to establishments in Sholapur, Kolhapur, Satara, Sangli and Ratnagiri districts is made from the Stationery Stores at Kolhapur, that to establishments in Vidarbha from the Stationery Depot at Nagpur and that to establishments in Marathwada from the Stationery Depot at Aurangabad. Another important activity of the Department is the stocking, distribution and sale of official publications. Sales are effected from the two Sales Depots at Bombay, one at Charni Road, which also functions as the Central Supply Depot for all State Government publications, including the Official Gazette and one at the Majestic Hotel. The latter keeps on sale important publications of the Central Government as well. The other Depots at Poona, Nagpur and Aurangabad attend to local sales.

Headquarters staff

The Director of Government Printing and Stationery has his headquarters at Bombay. He is helped by a Deputy Director, an Art Executive, an Accounts Officer, a Mechanical Engineer and a Special Officer (Metric Branch) in his office. The Art Executive looks to improvement in quality printing. The Accounts Officer is in charge of the Accounts Branch, the Audit Branch and the Establishment Branch. The Deputy Director assists the Director in matters of printing technique, and has under him a Printing Branch, a Stationery Branch, a Typewriter Branch and the Typewriter Repairing Workshop. The Mechanical Engineer looks to the maintenance of the plant and machinery of the Government Presses in the State. The Special Officer (Metric Branch) processes paper orders on the mills in the newly prescribed metric sizes and looks after the conversion of standard and special forms to the new metric sizes and the preparation of new formats for Government publications. There is an Office Superintendent in the Directorate who controls the Stores Branch, the Main Book Depot at Charni Road and the Fort Book Depot at Majestic Hotel.

Officers outside headquarters

Each of the Government Presses is under a Manager. There are, in addition, four Assistant Managers at the Central Press at Bombay, two

Assistant Managers each at the Photozincographic Press at Poona and the Press and Book Depot at Nagpur, and one Assistant Manager at the Yeravda Prison Press at Poona. There are also Labour Welfare Officers at the Central Press at Bombay and the Press at Nagpur. There are Assistant Directors in charge of the Stationery and Book Depots at Aurangabad and Nagpur.

Staff welfare

Altogether the Department employs about 3,600 persons, and special attention is paid to the welfare of workers. The Yeravda Prison Press has a labour colony which includes a welfare centre. Medical facilities are also provided with the assistance of the prison authorities. Dispensaries are attached to the Presses at Bombay and Nagpur. The Welfare Officers at these Presses attend to general welfare activities of the staff.

PART IV

THE SERVICES

CHAPTER SIXTEEN

STRUCTURE OF THE SERVICES

Number and variety of Government employees

The orderly and adequate fulfilment of the multifarious responsibilities of the State Government necessitates the employment of thousands upon thousands of public servants of various grades and skills. These include personnel engaged for specific works whose salaries are charged to the works and who consequently are not treated as regular Government servants, personnel employed on a casual basis and paid from contingencies and part-time and honorary officers. There is, however, a large body of State Government servants who are permanent or who hold posts which in course of time are made permanent. The number of State Government servants would be about 2,00,000. From administrators and professional experts to unskilled labourers, almost every conceivable calling is represented in this vast body of public servants. Nonetheless there are certain common characteristics which will be found at all levels of employment, embodied in general service codes, regulating conditions of service and standards of behaviour. The most important of these is the protection given by article 311 of the Constitution against arbitrary dismissal or removal from service or reduction in rank. From this protection and from the right to equality of opportunity in the matter of public employment given by article 16(1) of the Constitution are derived the security of tenure and stability of conditions of service, including protection from discrimination in the matter of promotion, which marks public employment.

Service structure

Though there is considerable uniformity in conditions of service for public servants and this uniformity has been in recent years very much increased by improvements in the conditions of service of the lower ranks of the services and the withdrawal of special privileges which were enjoyed by members of the Secretary of State Services before independence, the organisation of the services follows a hierarchical structure in terms of rank, powers and emoluments. This hierarchical structure derives not only from the need to provide a clear and definite line of authority from the Governor, advised by the Council of Ministers, at the top to the lowest functionary in the field establishment, but also from the need to provide for a gradation of skills and equipment, educational as well as technical, for the performance of duties of varying complexity and responsibility. Again, it is necessary on administrative grounds to group posts according to the departments to which they belong and the qualifications required of holders of the posts. Thus, there are separate

services for each of the major executive departments, and each of these services is divided into two or more grades. In most cases, for the purposes of effective control, each department is served by a self-contained service coming under the head of the department. Where, however, persons with technical or professional qualifications as well as administrative or ministerial personnel are needed by a department, it may have more than one service under its control, one for the technicians or professionals and another for purely administrative or ministerial personnel. There are also services which cater to the requirements of more than one department or which, though under the control of a particular department for administrative purposes, provide specialised personnel for other departments as well. An illustration of the first category is the Maharashtra Service of Engineers which supplies personnel to both the Buildings and Communications Department and the Irrigation and Power Department. An illustration of the second category is the cadre of accountants which is being built up under the administrative control of the Finance Department to serve the needs of all departments.

Classification of services

The services and posts under the State Government may be classified broadly on the basis of status and equivalent rank into gazetted services and posts and non-gazetted services and posts. Gazetted Government servants are those whose appointments are announced in the Official Gazette in a notification issued by order of the Governor, or, in specified cases, by a Head of Department. Gazetted services and posts may be further sub-divided into (a) All-India Services, and (b) Class I and Class II State Services with a number of isolated posts of equivalent status which have not been specifically assigned to a particular Service. Non-gazetted services and posts are further sub-divided into (a) Class III Services and (b) Class IV Services. Within Class III Services are included a few posts appointments to which are notified for special purposes in the Official Gazette by Heads of Departments but which are not recognised under the service rules as having the status of gazetted posts. Class IV Services and posts were in the past classified as "inferior" service and the holders were entitled to less favourable privileges in respect of leave and pension. With the gradual increase in uniformity of conditions of service, very few differences now remain in regard to conditions of service.

All India Services

All India Services are the Services common to the Union and the States which have been constituted under the provisions of article 312 of the Constitution. These services serve the needs of the States but they are recruited on an all India basis through the Union Public Service Commission. Initial appointments are made by the President, and, though members of the Service are, thereafter, allotted to the various States and are under the administrative

control of the State Governments under whom they are serving, their conditions of service are regulated, except in matters of certain allowances, by rules made by the Central Government after consultation with the State Governments. The State Governments may impose minor penalties on the members of the Services serving under them after consultation with the Union Public Service Commission. Major penalties, including dismissal and reduction in rank, may be imposed only by the Central Government after consultation with the State Government concerned and the Union Public Service Commission. Appeals also lie to the Central Government against penalties imposed by the State Government or against any other orders which adversely affect members of the Services. At present there are two All-India Services, viz. the Indian Administrative Service and the Indian Police Service, but provision has been made by law for the establishment of three more such Services, viz. the Indian Service of Engineers (Irrigation, Power, Buildings and Roads), the Indian Forest Service and the Indian Medical and Health Service. Proposals for legislation which will enable the establishment of an Indian Agricultural Service are also under consideration.

Indian Administrative Service

The Indian Administrative Service has been constituted in place of the Indian Civil Service, excluding the Judicial Branch of that Service, and serving members of the Indian Civil Service are deemed to belong to the Indian Administrative Service for purposes of posting. The Service is constituted of fixed cadres for each State divided into senior posts under the State Government, senior posts under the Central Government filled by the deputation of officers on the State cadre, a deputation reserve meant to cover appointments to posts outside the prescribed cadre, a leave reserve, a training reserve and junior posts. Out of a total authorised strength for the whole of India of over 2,400, the cadre allotted to Maharashtra State consists of 196 posts, of which the senior posts under the State Government number 95, senior posts under the Central Government number 38, the deputation reserve numbers 20, the leave reserve numbers 11, the training reserve numbers 11 and the junior posts number 21. The senior posts under the State Government included in the cadre of the Service have been specifically named and, except for temporary periods, they cannot be filled except by members of the Service. They include the posts of Chief Secretary to Government, Secretaries to Government (except for one post), the Commissioners of Divisions, the Settlement Commissioner and Director of Land Records, the Collectors, Chief Executive Officers of *Zilla Parishads*, the Municipal Commissioners for Greater Bombay, Poona and Nagpur, the Secretary to the Governor, the Deputy Director of Land Records, the Registrar of Cooperative Societies, the Motor Transport Controller, the Director of Transport, the Director of Social Welfare, the Director of Prohibition and Excise, the Commissioner of Sales Tax and the Inspector General of Prisons. A specified number of other posts

are also included in the cadre of senior posts, but posts with the same designations and duties also exist in the cadres of the State Services. The other posts so included in the cadre of senior posts are thirteen posts of Joint Secretary or Deputy Secretary to Government, one post of Joint Registrar of Cooperative Societies and one post of Deputy Commissioner of Sales Tax. The junior posts under the State Government included in the cadre of the Service are not specified, but they are generally posts of Assistant Collector or Under Secretary to Government. Appointments to the Indian Administrative Service, when not made by promotion or by selection from among members of the State Services, are made ordinarily on the results of a competitive examination held annually by the Union Public Service Commission. When occasion requires, they may also be made by special recruitment through a Special Recruitment Board. Appointments by promotion and selection are not to exceed 25% of the number of senior duty posts borne on the cadre and not more than 15% of the posts available for promotion and selection may be filled by selection. Accordingly, in Maharashtra State not more than 33 senior posts may be held by officers appointed by promotion or selection, and of these not more than 5 may be held by officers appointed by selection. Promotion vacancies are filled by the Central Government on the basis of a Select List of members of the State Civil Service who have served as Deputy Collectors and who are considered fit for promotion in consultation with the Union Public Service Commission. Appointments by selection are made out of lists prepared similarly when need arises, consisting of officers in the State Services who hold posts equivalent in importance and responsibility to those of Deputy Collector and who are outstanding in merit and ability. In addition to normal promotion and selection appointments, special appointments by selection may be made when special recruitment is considered necessary. The allocation of direct recruits to the State cadre is made by the Central Government in consultation with the State Government. It will be seen that, in the case of several departments such as the Jails Department, the Cooperative Department, the Sales Tax Department, the Prohibition and Excise Department and the Motor Vehicles Department, whereas the post of Head of Department is reserved for members of the Indian Administrative Service, the lower posts are held by members of State Services, except for one post each in the Cooperative and Sales Tax Departments. In other Departments such as the Medical, Public Health, Education, Agriculture, Forests, Buildings and Communications, Irrigation and Power and Animal Husbandry Departments, the posts of Heads of Departments are available to members of the State Services concerned.

Indian Police Service

The Indian Police Service has been constituted in place of the Indian Police, and serving members of the Indian Police are deemed to be members of the Indian Police Service for purposes of posting. It is constituted, like

the Indian Administrative Service, of fixed cadres for each State, divided in the same way. The total authorised strength of the Maharashtra cadre is 106, consisting of 57 senior posts under the State Government, 17 senior posts under the Central Government, a deputation reserve of 8 posts, a leave reserve of 6 posts, a training reserve of 6 posts and 12 junior posts. The senior posts under the State Government include the Inspector General of Police, the Commissioner of Police, Bombay, seven Deputy Inspectors General of Police, eight Deputy Commissioners of Police, two Assistant Inspectors General of Police, twenty-eight Superintendents of Police, four Additional Superintendents of Police, one Principal, Police Training College, and three Commandants, State Reserve Constabulary. The junior posts are not specified, but they consist mainly of Assistant Superintendents of Police. Appointments to the Service are made ordinarily on the results of a competitive examination held annually by the Union Public Service Commission. Appointments may also be made, when occasion arises, by special recruitment made through a Special Recruitment Board. Appointments are also made by promotion from the State Police Service of officers who have served for not less than eight years as Deputy Superintendent of Police, and out of the 57 senior posts, not more than 18 may be filled by promotion. Select Lists are maintained for purposes of promotion. As in the case of the Indian Administrative Service, the allocation of direct recruits to the State cadre is made by the Central Government in consultation with the State Government.

Control over State Services

While the All India Services are, in many important respects, beyond the control of the State Government, its authority in respect of all other services is absolute, subject to the provisions of the Constitution. Under article 309 of the Constitution, it is open to the State Legislature to make a law regulating the recruitment and conditions of service of persons appointed to the State Services. In the absence of such a law, these matters are regulated by rules made by the State Government which have the force of law. Rules relating to services cover such matters as classification and formation of cadres, methods of recruitment and qualifications for appointment, conditions of service, including pay, leave and retirement, and conduct and discipline. As already indicated, the State Services are classified as Class I Services and Class II Services among the gazetted Services, and Class III Services and Class IV Services among the non-gazetted Services.

Class I and Class II State Services

Class I Services are generally constituted for posts which are equivalent in status and responsibility to those classified as senior posts in the cadres of the All India Services. In several cases Class I Services were created to replace All India Services which were gradually abolished between the years 1919 and 1947 such as the Indian Agricultural Service, the Indian Forest Service,

the Indian Service of Engineers, the Indian Educational Service, and the Indian Medical Service. Others were constituted from time to time since 1919 as the State Government extended the scope of its activities to new spheres, such as Industries, Fisheries and Sales Tax. It is likely that, as additional All-India Services are re-introduced, some of the existing Class I State Services will be abolished or be greatly reduced in size. Class II Services are constituted for posts which are of lower status and responsibility than those in a Class I Service, but which are still considered important enough to require that the power of making appointments to them should be reserved to the State Government itself. A considerable number of posts, however, have not been formally classified as either in Class I or in Class II, though they are recognised as gazetted posts for the purpose of the service rules. For all practical purposes, these posts may be grouped with Class II Services. An interesting recent development in the structure of Class I and Class II State Services is the inclusion in the cadres of several of them of posts which have been taken over by the *Zilla Parishads* after 1st May 1962 either from the State Government, such as administrative and executive officers at the district level in Departments like Education, Public Health, Animal Husbandry, Agriculture and Cooperation, or from the District Local Boards and *Janapada Sabhas* which have been abolished. Since 1st May 1962, therefore, the cadres of several State Services provide for manning posts of gazetted rank under *Zilla Parishads* as well as the State Government, and the holders of these posts are, in all essential respects, under the discipline of Heads of Departments exactly like their colleagues holding posts in the State administration proper. Examples of Government officers posted to serve under *Zilla Parishads* are Block Development Officers and Deputy Chief Executive Officers of the grade of Deputy Collectors, Education Officers of the grade of Educational Inspectors, and District Health Officers. In some Departments a substantial portion of the cadres in Class II State Services now consists of posts under the control of *Zilla Parishads*. Another interesting recent development is the fact that, whereas in the past promotions to gazetted ranks were invariably made from non-gazetted Class III Services in the same Department, now members of Class III Services constituted for *Zilla Parishads* will be eligible for promotion, along with members of Class III Services directly under the State Government. In fact, in some Departments, such as Education, the transfer of activities to the *Zilla Parishads* has resulted in a very great shrinkage of the non-gazetted establishments in direct Government employ and a wholesale transfer of personnel (for example inspecting and teaching staff in the field of secondary education) to *Zilla Parishads*. This transferred staff will continue to look forward to advancement in the Class II State Services, since there are no corresponding Services belonging to the *Zilla Parishads* and posts of gazetted status under the *Parishads* are included in the State Services.

Class I State Services generally include a number of posts on a common time-scale of pay and a small number of posts carrying salaries above the

ordinary time-scale. While the common time-scale is the same in many Services, it has been found necessary in the case of some Departments to prescribe special scales for particular posts, such as teaching posts in Medical and Engineering Colleges and certain specialist posts in the Medical Department. Class II State Services usually have a common time-scale of pay but, here again, there are individual posts which carry special scales of pay. Considerable variety also exists in the case of posts which are not allocated to a specific service.

As already mentioned, State Services have, generally speaking, been constituted department-wise. The main Services are the following :

The Maharashtra Civil Service, for the posts of Deputy Collectors and Superintendents of Land Records in Class I and the posts of Mamlatdars or Tahsildars and District Inspectors of Land Records in Class II.

The Maharashtra Forest Service, Class I and Class II.

The Maharashtra Agricultural Service, Class I and Class II.

The Maharashtra Animal Husbandry Service, Class I and Class II.

The Maharashtra Prohibition and Excise Service, Class I and Class II.

The Maharashtra Registration Service.

The Maharashtra Judicial Service, Class I and Class II.

The Maharashtra Police Service.

The Maharashtra Jail Service, Class I and Class II.

The Maharashtra Medical Service, Class I, Division I, (for civil surgeoncies and similar general posts), Class I, Division II, (for posts filled by individual recruitment) and Class II.

The Maharashtra Public Health Service, Class I and Class II.

The Maharashtra Educational Service, Class I and Class II (each divided into an Administrative Branch and a Collegiate Branch).

The Maharashtra Service of Engineers, Class I and Class II.

The Maharashtra Accounts Service, Class I and Class II.

The Maharashtra Sales Tax Service, Class I and Class II.

The Maharashtra Industries Service, Class I and Class II.

The Maharashtra Fisheries Service, Class I and Class II.

The Maharashtra General State Service, Class I and Class II, for posts in certain Departments which are too few to be constituted into a separate Service and also for posts in various Departments which do not fit into the general framework of the separate Services constituted for those Departments.

Illustrations of posts classified as in the Maharashtra General State Service are gazetted posts in the Social Welfare, Printing, Labour, Factory and Boiler

Departments, the post of Administrator General and Official Trustee and the posts of Under Secretaries to Government in the Secretariat.

Class III and Class IV services

There are Class III Services for each Department comprising executive and ministerial branches which are generally kept separate for purposes of promotion. Class IV Services which are also arranged department-wise include posts such as attendants in offices, watchmen, hamals, cooks, khalasis, mukadams, dairymen, ploughmen, laboratory servants, ward servants and packers.

Promotions and transfers

Movement from a lower to a higher service is provided for by the rules relating to promotion, but the scope for promotion from Class IV to Class III and from several categories in Class III to Class II are very limited. Promotions within the same class are, however, more freely available. The need for specialised qualifications, training or experience in the case of many gazetted appointments in a number of Services also limits the scope for promotion to Class II from Class III, or from Class II to Class I. Ordinarily, promotion is on the basis of seniority-cum-merit, but in several cases it is provided that only officers who have passed the prescribed departmental examinations are eligible for promotion. In several other cases where particular qualifications are required in the higher appointment, promotion has to be restricted to persons having these qualifications. Orderly consideration for promotion from a lower to a higher class in the service is facilitated by the maintenance and periodical revision of select lists of officers considered fit for promotion. Movement from one service to another is extremely rare, but not altogether unknown. Safeguards exist to ensure that transfers and promotions are made on purely objective considerations with due regard to the maintenance of the integrity and efficiency of the services.

CHAPTER SEVENTEEN

MAHARASHTRA PUBLIC SERVICE COMMISSION

Establishment and history

The Public Service Commission is an authority required to be established under the Constitution for the purpose of: (a) holding examinations for appointments to the services of the State, and (b) advising the State Government on service matters regarding which the Government is required by the Constitution to consult the Commission or which the Government may refer to it. A Public Service Commission was first established in the Province of Bombay in April 1937, when the Government of India Act, 1935, came into operation, with functions very similar to those at present entrusted to that body. Until 31st July 1947 the Commission served the needs of the Province of Sind in addition to those of the Province of Bombay. On 1st August 1947 a separate Public Service Commission was established for Sind and the Bombay Sind Public Service Commission was re-constituted on that date as the Bombay Public Service Commission. On the coming into operation of the Constitution on 26th January 1950 this body was continued as the Public Service Commission for the State of Bombay. On 1st November 1956 it became the Public Service Commission for the reconstituted bilingual State of Bombay and, on the division of Bombay State into the States of Maharashtra and Gujarat on 1st May 1960, it became the Public Service Commission for the State of Maharashtra.

Composition

The Public Service Commission at present consists of a Chairman and four other members appointed by the Governor, who hold office for a term of six years, or until the attainment of the age of sixty years, whichever is earlier. As far as may be, at least half the number of members have to be persons who have held office for at least ten years under the Government of India or a State Government. On completion of their terms the Chairman and Members are debarred from reappointment to the same office, nor can they undertake any further employment under the Government of India or the Government of a State except the Chairmanship of a State Public Service Commission or the Chairmanship or Membership of the Union Public Service Commission.

Functions

As already mentioned, the Constitution provides that the Public Service Commission should hold examinations for appointments to the public service

and should give advice to the State Government in service matters. The matters regarding which consultation by the State Government is mandatory are :

- (a) matters relating to methods of recruitment to civil services and for civil posts;
- (b) principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions and transfers;
- (c) all disciplinary matters affecting a person serving under the Government of the State in a civil capacity including memorials or petitions relating to such matters;
- (d) any claim by or in respect of a person who is serving or has served under the State Government in a civil capacity, that the costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purported to be done in the execution of his duty should be paid out of the consolidated fund of the State;
- (e) any claim for the award of a pension in respect of injuries sustained by a person while serving under the State Government in a civil capacity and any question as to the amount of any such award.

The Governor is, however, empowered by the Constitution to make regulations specifying the matters in which, despite the provisions relating to consultation, it shall not be necessary for the Public Service Commission to be consulted either generally or in any particular circumstances. By such regulations, it has been provided that the Public Service Commission need not be consulted (i) in any matter affecting a member of an All India Service (whose appointments, etc. come generally within the purview of the Union Public Service Commission), (ii) regarding appointments to certain specified posts such as Secretaries, Additional Secretaries and Joint Secretaries to Government and posts of a special character where it is considered that the normal methods of appointment on a competitive basis are inappropriate or where political considerations may be involved, (iii) regarding judicial appointments which under the Constitution are required to be made in consultation with the High Court, such as District Judges, Assistant Judges, Principal Judge and Judges of the City Civil Court, Chief Judge of the Court of Small Causes, Bombay, and Chief Presidency Magistrate, (iv) regarding appointments as well as disciplinary measures in respect of persons appointed by authorities subordinate to the State Government, such as Heads of Departments, with a few exceptions, and (v) regarding the imposition of minor penalties on the holders of posts which are within the purview of the Public Service Commission for disciplinary purposes, appeals against such imposition being, however, decided in consul-

tation with the Public Service Commission. Regulations made by the Governor have to be laid before each House of the Legislature of the State and are subject to such modification by way of repeal or amendment as both Houses may make during the session in which they are so laid.

Staff in Secretariat of State Legislature

By rules made under Article 187(3) of the Constitution the staff in the Secretariat of the State Legislature, which would otherwise be outside the purview of the Commission, has been brought within its purview to the same extent as staff directly under the State Government.

High Court staff

Though ordinarily the appointments of officers and servants of the High Court, which are made by the Chief Justice of the Court or such other Judge or officer of the Court as he may direct, are not within the purview of the Public Service Commission, the Governor is empowered to require by rule that no person not already attached to the Court shall be appointed to any office connected with the Court save after consultation with the State Public Service Commission. No rule has hitherto been made in this respect.

Staff of Bombay Municipal Corporation

By legislation under Article 321 of the Constitution the functions of the Public Service Commission have been extended to appointments made to posts under the Bombay Municipal Corporation which carry a minimum monthly salary, exclusive of allowances, of Rs. 300 or more if the power of appointment vests in the Municipal Corporation, the Standing Committee or the Municipal Commissioner, or which carry a minimum monthly salary, exclusive of allowances, of Rs. 500 or more if the power of appointment vests in the Bombay Electric Supply and Transport Committee. The scope of consultation is restricted to appointments and to the principles on which the appointments are to be made.

Non-statutory extra functions

In addition to the functions with which the Public Service Commission is entrusted by law, it is responsible, by special arrangements, for the conduct of departmental examinations for officers of the State Government, language examinations for such officers and departmental examinations for certain employees of local bodies. It also makes arrangements for the examinations of the Union Public Service Commission at the Bombay centre.

Staff

The Public Service Commission has the assistance of a Secretary, who is appointed by the Governor, in consultation with the Chairman of the

Public Service Commission, for a renewable term of five years, two Deputy Secretaries and two Assistant Secretaries. The Deputy Secretaries and Assistant Secretaries are appointed by the Chairman of the Public Service Commission with the previous approval of the Governor. The lower staff is appointed by the Secretary (in the case of incumbents of posts with a salary of not less than Rs. 100 per mensem with the previous approval of the Chairman) and consists of four superintendents and other staff totalling about eighty.

Outside assistance

The Public Service Commission takes the assistance of Heads of Departments and other Government officials as well as outside experts at the interview of candidates and it also employs suitable persons as examiners, supervisors and invigilators at the examinations conducted by it.

Statutory report by Commission

The Public Service Commission is required under Article 323 of the Constitution to present annually to the Governor a report on its work and the Governor is required in turn to cause the report to be laid before each House of the State Legislature with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance. The provision regarding the explanatory memorandum does not cover the additional functions of the Public Service Commission in respect of appointments under the Bombay Municipal Corporation, and the memorandum, therefore, does not cover cases, if any, where the advice of the Public Service Commission was not accepted by the appropriate municipal authority.

CHAPTER EIGHTEEN

STATE VIGILANCE COMMISSION

Functions

The State Vigilance Commission has been recently established for the purpose of enquiring, or causing an investigation to be made, into complaints of corruption, misconduct, lack of integrity or other kinds of malpractice or misdemeanour on the part of a public servant under the administrative control of the State Government, including the exercise of discretionary powers for improper or corrupt purposes. The jurisdiction of the Commission does not, however, extend to Ministers, Deputy Ministers, the Speaker of the State Legislative Assembly, etc., the Judges of the High Court, other judges belonging to the State Judicial Service, the staff of the Judicial Department, elected officials of *Zilla Parishads* and employees under the disciplinary control of these bodies. Enquiries may be entrusted by the Commission to the Anti-corruption Bureau or to the Department concerned. In the light of the enquiries made or the report received, the Commission will advise the Department concerned whether or not the erring government servant should be prosecuted. Another function of the Commission is to coordinate the work of the various Departments in all matters pertaining to the maintenance of integrity in administration and advising the Departments on these matters. The Commission will make a report every year to the State Government about its work and, in particular, will in the report draw attention to its recommendations which have not been accepted or acted on. Like the report of the State Public Service Commission, the report of the State Vigilance Commission will be laid before the State Legislature with a memorandum stating, in respect of any recommendations which have not been acted on or accepted, the reasons for non-acceptance or for not taking action.

Organisation

The Commission consists of a single official known as the State Vigilance Commissioner who will hold office for a term of five years, or until the attainment of the age of 65, whichever is earlier. The appointment of the Commissioner is made by the Governor by warrant under his hand and seal and he cannot be removed from office except in the manner provided in the Constitution for the Chairman or a Member of the State Public Service Commission. For the present the Commissioner has the assistance of a small staff consisting of a Secretary, an Assistant and a Stenographer.

PART V

FINANCIAL ADMINISTRATION

CHAPTER NINETEEN

FINANCIAL ADMINISTRATION

Authorities concerned with financial administration

The administration of the finances of the State is the responsibility of the Finance Department of the Secretariat, which has to find the necessary funds by taxation and borrowing, prepare the annual budget and exercise proper control over State expenditure. The banker of the State Government is the Reserve Bank of India, while the authority responsible for enforcing propriety and securing regularity of public expenditure is the Accountant General, Maharashtra State, who is under the control, not of the State Government, but of the Comptroller and Auditor-General of India. There are, again, two Committees appointed by the Maharashtra State Legislature every year, the Public Accounts Committee and the Estimates Committee, which scrutinise the expenditure and the budget estimates of the State Government on behalf of the Legislature. The organisation and working of the Finance Department has been described in Chapter 4. The present chapter deals with the other agencies which are concerned with the control and management of public finance.

The Reserve Bank of India

Under article 266 of the Constitution, each State has a Consolidated Fund to which all revenues, all loans, ways and means advances and all moneys received by the Government in repayment of loans are credited and from which the expenditure of the State when authorised by the Legislature is met. There is also a Public Account in which all other public moneys received by or on behalf of the Government are credited and from which disbursements are made according to prescribed rules. Besides, there is a Contingency Fund established under article 267 (2) of the Constitution at the disposal of the Governor for meeting unforeseen expenditure pending its authorisation by the Legislature of the State. The Reserve Bank of India undertakes all banking operations of the State Government under section 21 of the Reserve Bank of India Act and it has entered into an agreement with the State Government for the purpose. The principal agent of the Reserve Bank of India in places where the bank does not have an office of its own is the State Bank of India wherever it has a branch. In Marathwada the State Bank of Hyderabad, which is a subsidiary of the State Bank of India, serves as the agent of the Reserve Bank of India. At district or taluka headquarters where neither the Reserve Bank of India nor its agent has a branch office, a currency chest is kept at the treasury or sub-treasury of the State Government. The notes in the chest are not regarded as in circulation and they pass into circulation only

when they are transferred to the treasury balances by the Treasury Officers and Sub-Treasury Officers who are in charge of the treasuries or sub-treasuries. This device enables the balance of a treasury to be kept as low as possible and avoids unnecessary locking of funds. The balance can be replenished by transfer of money from the currency chest whenever required. Apart from conducting the banking business of the State Government, the Reserve Bank of India gives ways and means advances to the State Government whenever its cash balance goes below the prescribed limit. The position regarding the cash balance of the State Government is reported to the Finance Department every day by the Reserve Bank. The Reserve Bank is also entrusted with the work of floatation and management of loans which the State Government may wish to raise and of investment of surplus balances of the State Government in treasury bills. Finally, the Reserve Bank of India acts as an adviser to the Government in banking and financial matters and assists in the formulation of its economic and financial policies whenever required.

Comptroller and Auditor-General of India

The Comptroller and Auditor-General is appointed by the President of India for a renewable term of six years without any limit of age and the Constitution has made him independent of the executive Government. The duties and powers which the Comptroller and Auditor-General performed and exercised under the Audit and Accounts Order, 1936, as adapted by the India (Provisional Constitution) Order, 1947, and the Initial and Subsidiary Accounts Rules framed by the Governor General under the former Order have been continued in operation by article 149 of the Constitution until provision is made by law passed by Parliament for the duties and powers to be performed and exercised by him. The Comptroller and Auditor-General prescribes, with the approval of the President, the form in which the accounts of the State are to be kept. Responsibility for audit rests on him and, by and large, his officers are also responsible for keeping the accounts and compiling the appropriation accounts.

The Accountant General

The responsibility of the Comptroller and Auditor-General for audit and accounts is carried out in Maharashtra State by the Accountant General, Maharashtra State. This officer's responsibilities extend to the accounts, not only of the State Government, but also of departments of the Central Government located in Maharashtra State, except for accounts relating to defence and railways. Subject to these exceptions, the Accountant General is responsible, on the accounts side, for keeping the accounts showing the annual receipts and disbursements of the Union and the State and for compiling the appropriation accounts. The Accountant General has been relieved of the

responsibility of keeping accounts like the initial and subsidiary accounts kept in treasuries and departmental offices, including accounts of stores and stocks and trading, manufacturing and profit and loss accounts required to be kept by commercial undertakings of Government. On the audit side, he has to audit all expenditure from the revenues of the Union and the State, all transactions relating to public debt, deposit, sinking fund, advances, suspense accounts and remittance business and all trading, manufacturing and profit and loss accounts and balance sheets kept in any Department of the Union or the State. It may be mentioned that, though the accounts which he has to keep include receipts as well as expenditure, in practice, the Accountant General does not conduct a full audit of receipts and only conducts test checks to satisfy himself that the departmental machinery is guarding itself against error and fraud. Similarly the physical verification of stores and stocks is left mainly to departmental authorities in whose charge they are kept.

Separation of accounts and audit

The Accountant General under the Comptroller and Auditor-General thus has his duties both on the accounts and on the audit side and this is considered by some to be wrong in principle. It has been argued that it is the executive which should keep the accounts and they should be audited by an independent agency responsible only to the Legislature and not to the Government concerned. Shri Ashok Chanda, an Ex-Comptroller and Auditor-General of India, however, in his book on "Indian Administration", presents the other side of the question. "Where.... the accounting organisation itself is outside the control of the administration, as in government departments, this principle cannot have the same validity (as in commercial or business enterprises)..... On the other hand, the present arrangements ensure economy in manpower, arrest dilution in competence already visible and provide for specialization leading to increased efficiency. These considerations should not be lightly dismissed." A start with the separation of accounts and audit has been made in the case of Government establishments in Greater Bombay. The Pay and Accounts Officer, Maharashtra Government, Bombay, who is under the administrative control of the State Government, is responsible for maintenance of accounts and for disbursements in respect of these establishments, the Accountant General being responsible only for audit.

Audit Reports

Article 151 of the Constitution provides that the reports of the Comptroller and Auditor-General of India relating to the accounts of the State shall be submitted to the Governor who shall cause them to be laid before the Legislature of the State. The accounts of the State Government really start at the numerous treasuries and sub-treasuries or at the branches of the State Bank of India or the State Bank of Hyderabad which undertake

the treasury work of the State Government. But the figures are supplied to the Accountant General under different heads and sub-heads. From these figures the Accountant General compiles the accounts and prepares the appropriation accounts and finance accounts on behalf of the Comptroller and Auditor-General who submits them to the State Government. The appropriation accounts compare the total appropriation, original and supplementary, made by the Legislature for any particular purpose with the actual expenditure incurred on the purpose. While comparing the appropriations and the actual expenditure under each head, the appropriation accounts explain all appreciable variations under different sub-heads. They are accompanied by an audit report which contains comments on the regularity and propriety of expenditure and brings to notice important financial irregularities, cases of unwise or extravagant expenditure and losses of public money. The report also contains comments on defective budgeting and inadequate control over expenditure as revealed by appropriation audit. The audit report tries to set forth all the relevant facts about each case explaining the conclusions to be drawn from them and the points which appear to require further examination. It also brings to the notice of the Legislature the results of audit of trading, manufacturing and profit and loss accounts or balance sheets kept in respect of commercial and quasi-commercial undertakings of Government. It may be stated that the Bombay Regional Office of the Director of Commercial Audit, who is another subordinate of the Comptroller and Auditor-General of India, conducts the local audit of State Government concerns on behalf of the Accountant General, Maharashtra. The Accountant General, Maharashtra, also prepares the finance accounts of the State. The finance accounts are the accounts of the receipts and the outgoings of the State Government and deal with the financial results disclosed by the different accounts such as the revenue and the capital accounts and the accounts of the public debt, assets and the liabilities of the State Government. The finance accounts thus present the financial position of the Government in proper perspective and are supplementary to the appropriation accounts.

The Public Accounts Committee

The appropriation accounts, the Audit Report and the finance accounts are presented to the Legislature by the State Government. For the more effectual scrutiny of the accounts and the audit report in detail a Public Accounts Committee is set up by the State Legislature every year. The Committee consists of nineteen elected members, including a Chairman. Fifteen members are from the Legislative Assembly and four are from the Legislative Council. The Secretary of the Legislature Secretariat works as the Secretary of the Committee. The functions of the Committee are started in Rule 192 of the Maharashtra Legislative Assembly Rules which reads as follows:

"192 (1) In scrutinising the Appropriation Accounts of the State and the report of the Comptroller and Auditor-General thereon, it shall be the

duty of the Public Accounts Committee to satisfy itself:—

- (a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged,
- (b) that the expenditure conforms to the authority which governs it, and
- (c) that every reappropriation has been made in accordance with such rules as have been prescribed by the competent authority.

(2) It shall also be the duty of the Public Accounts Committee:—

- (a) to scrutinize the Finance Accounts of the State Government and the Audit Report thereon;
- (b) to examine the statements of accounts showing the income and expenditure of State Corporations, trading and manufacturing schemes and projects, together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading concern or project, and the Report of the Comptroller and Auditor-General thereon; and
- (c) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks.

(3) If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendation as it may deem fit."

The Public Accounts Committee is not concerned with questions of policy, but it is entitled to scrutinise the application or execution of accepted policies so far as financial transactions are concerned. It has power to call for papers and records, and to examine the Secretaries to Government and other officers as witnesses. The Committee is assisted by the Accountant General in its deliberations. The Committee may appoint one or more sub-committees for the purpose of examining the matters that may be referred to it. The Committee may also divide itself into Study Groups whenever necessary, each group being entrusted with certain specified Departments for intensive and detailed study. After the examination of the accounts and other material placed before it, the Committee may frame its recommendations. The

Report of the Committee is presented to the Legislative Assembly by its Chairman. The action taken on the recommendations of the Committee by the State Government is reviewed at subsequent meetings of the Committee.

Committee on Estimates

Another equally important Committee connected with the finances of the State Government is the Committee on Estimates, constituted by the State Legislature "to examine the budget estimates and the demands for supplementary grants and to suggest economies consistent with the policy under-lying such estimates and demands and the form in which the estimates shall be presented to the Legislature". The Committee on Estimates consists of nineteen elected members including the Chairman, of whom fifteen are from the Legislative Assembly and four are from the Legislative Council. The Secretary, Maharashtra Legislature Secretariat, is the Secretary of the Committee. The Committee examines budget estimates after they are passed by the Legislature. As it is not practicable to examine the entire budget in detail within a reasonable time each year, the Committee takes up examination of particular budget heads, departments or activities in rotation. Unlike the Public Accounts Committee, the Estimates Committee is not assisted by the Accountant General. The Secretary to Government, Finance Department, or a representative of that Department, if permitted by the Chairman, is, however, required to attend the meetings of the Committee to assist it in its deliberations. The Committee has power to examine as witnesses the Secretaries to Government and other departmental officers. It can also call for information, papers and records. It may appoint Study Groups for carrying out detailed examination of various subjects. It also undertakes tours. When the examination of any part of the estimates has been completed, the Committee may frame its recommendations. Copies of the recommendations are sent to the departments and officers concerned in accordance with the directions of the Chairman for such action as may be necessary. After consideration of the statement of action submitted by the State Government, the Committee may make further recommendations if necessary.

PART VI

THE JUDICIARY

CHAPTER TWENTY

HIGH COURT

Role of Legislature and Executive in Judicial field

Before proceeding to describe the judicial machinery in the State it seems necessary to observe that, while every safeguard has been provided to protect the judicial process from undue interference by the Legislature (e.g. restrictions on discussions, etc. in the Legislature of the conduct of judges and of matters which are *sub-judice*) or by the Executive (e.g. the powers conferred on the Supreme Court and the High Courts to take proceedings for contempt of court) yet, so far as the constitution and powers of courts, the appointment of judges and determination of their conditions of service, the removal or punishment of judges, the appointment of subordinate staff and the provision of funds are concerned, the Legislature and the Executive have several functions to perform. For example, the allowances, rights in respect of leave of absence and the pensions of judges of the High Court are regulated by act of Parliament and the jurisdiction of, and the law to be administered in, the Court are determined by law of the appropriate Legislature, subject, of course, to the provisions of the Constitution. The constitution, jurisdiction and powers of all subordinate courts are regulated by law of the State Legislature and it is open to the Legislature to exclude specified matters from the jurisdiction of the ordinary courts. Again, all appointments of judicial officers are the responsibility of the Executive, though, as we shall see later, provision is made in the Constitution for consultation with the Chief Justice of the High Court or the High Court in respect of certain judicial appointments. Thirdly, the removal of judges vests in the Executive, and, in the case of judges of the High Court, Parliament is made responsible for moving the Executive to take action after satisfying itself as to the grounds for action. Fourthly, though the staff of the High Court is appointed by that Court, the higher staff of subordinate courts is appointed by the State Government, and the conditions of service are either prescribed by, or with the sanction of, the State Government. In these respects, the practice in India does not differ from that in other democratic countries where the independence of the judiciary is valued and closely guarded and does not entail any subordination of the Judiciary to the Executive or the Legislature. The withdrawal of judicial powers exercised by the District Magistrates and their executive subordinates since 1951 and the constitution of a purely judicial cadre of magistrates has removed the last vestige of executive intrusion in the judicial field.

Composition of High Court

The highest court which comes within the scope of our purpose is the High Court at Bombay which has jurisdiction in the State of Maharashtra. The

High Court consists of a Chief Justice and twenty other judges (sixteen permanent and five temporary). The principal seat of the High Court is at Bombay, but a Division Bench, consisting of four judges, has its seat at Nagpur and deals with business arising in the Vidarbha region of the State.

Appointment and qualifications of judges

The judges of the High Court are appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State (which in effect means the Chief Minister) and, in the case of a judge other than the Chief Justice, the Chief Justice of the High Court. Judges are appointed from among citizens of India who (a) have for at least ten years held a judicial office in the territory of India, or (b) have for at least ten years been advocates of a High Court or of two or more such courts in succession, provided that an advocate who has held judicial office after he became one may count the period during which he has held such office in computing the qualifying period as advocate. In practice, a certain number of judges are appointed from among members of the State Judicial Service and the rest from among practising advocates.

Term of office

Judges, including the Chief Justice, hold office until they attain the age of 62 years. They cannot be removed from office earlier (though they may resign at any time by writing addressed to the President) except by an order of the President passed after an address by each House of Parliament, supported by a majority of the total membership of that House and by a majority of not less than two thirds of the members of that House present and voting, has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity. In the case of temporary judges, however, whether appointed as additional judges to deal with temporary increase in the business of the High Court or as acting judges in the place of judges who are temporarily absent, the period of appointment is, in the case of additional judges, for such period not exceeding two years as the President may specify and, in the case of acting judges, the period of absence of the judges in the place of whom they are acting. In either case, the age limit of 62 years applies.

Ordinary jurisdiction of High Court

Like the High Courts at Calcutta and Madras, but unlike all other High Courts in India, the High Court at Bombay has an Original side and an Appellate side. The Original side of the High Court is an historical survival in respect of civil disputes (the original jurisdiction of the High Court in criminal matters was abolished in 1948) from the days when special

arrangements were considered necessary at the three Presidency towns of Bombay, Calcutta and Madras for the application of British law to non-Indians, extending at one time to the functioning of parallel King's Courts and Company Courts. The High Court has original jurisdiction in all testamentary, insolvency and matrimonial matters, and in other civil cases arising in Greater Bombay where the pecuniary value exceeds Rs. 25,000/-. For other areas, it has in civil matters as in criminal matters only appellate jurisdiction. It should, however, be pointed out that, like all other High Courts in India, the High Court does entertain original suits from areas other than Greater Bombay in the matter of issuing writs as provided in article 226 of the Constitution. Prior to 1950 the power of issuing writs was confined to the local limits of the original jurisdiction of the High Court, viz. the town and island of Bombay until 1945, and, thereafter, Greater Bombay. Since 1950 the benefit of this supreme expression of the judicial function in the maintenance of the rule of law has become available to every citizen throughout the State. The High Court is also required to take over from a court subordinate to it and deal with itself any case the disposal of which requires the determination of a substantial question of law as to the interpretation of the Constitution.

Special jurisdiction of High Court

In addition to its ordinary jurisdiction, special jurisdiction has been conferred on the High Court by several statutes providing either (a) for an appeal to the High Court in specified circumstances when ordinarily no appeal would lie or an appeal would lie to a lower court, or (b) for the authority concerned, whether a court or a tribunal or statutory board or an official, to state a case for obtaining the ruling of the High Court on a question of law or the construction of a document. Some statutes allow parties to a dispute to approach the High Court for a direction to a lower court or other authority to state a case for its opinion even if such court or authority has declined to do so. Two interesting instances of such special jurisdiction may be mentioned. Under section 194 of the Criminal Procedure Code, 1898, the Advocate General may, with the previous sanction of the State Government, bring for trial before the High Court persons who would ordinarily be liable to be tried by a lower court for certain offences against the State on the analogy of the powers given in the United Kingdom to Her Majesty's Attorney General, and under section 526 A of the Code the Central Government can instruct the Advocate General to apply to the High Court for the committal or transfer to itself of a case against a person subject to naval, air force or army discipline laws accused of specified offences. The High Court is required to proceed to try such a case itself. The second instance pertains to a difference of opinion between the State Government and a local authority, viz. the Nagpur Municipal Corporation, as to the interpretation of any of the provisions of the City of Nagpur Corporation Act, 1948, or any of the rules made thereunder. The

State Government may refer the question to the High Court for opinion if it is of sufficient public importance. The High Court's opinion, given after such hearing as it thinks fit, is binding on the State Government as well as the Corporation.

Procedure of High Court

The judges of the High Court may sit singly or in Division Benches, consisting of two or more judges, according to the relevant rules, and in some cases a Division Bench may sit in appeal or revision over a matter already determined by a judge sitting singly.

Superintendence of High Court over lower courts and authorities

The High Court has superintendence over all courts and tribunals throughout the State, excepting courts or tribunals constituted by a Union law relating to the armed forces, and the subordinate judiciary is generally under the administrative control of the High Court, the State Government exercising its powers in respect of the judiciary through, and in consultation with, the High Court. Promotions within the judicial service up to (but not including) the rank of District Judge or equivalent rank are made by the High Court, though initial appointments are made by the State Government.

Administrative work of High Court

The administrative work of the High Court is controlled by a Registrar and an Additional Registrar on the Appellate Side and by the Prothonotary and Senior Master on the Original Side. The administrative work of the Nagpur Bench is controlled by a Special Officer.

The Registrar, Appellate Side, and Subordinate officers

The Registrar and Additional Registrar on the Appellate Side are assisted by a staff of seven gazetted officers, including a Deputy Registrar, Special Officer (Inspection), five Assistant Registrars and a Special Officer, and 221 non-gazetted Class III officers, including superintendents, assistant superintendents, short-hand writers, section writers, clerks, a librarian, translators and interpreters. The Special Officer at Nagpur is assisted by an Additional Special Officer and 103 Class III officers.

The Prothonotary and Senior Master and Subordinate officers

The principal officers under the Prothonotary and Senior Master are :

- (a) The Commissioner for Taking Accounts,
- (b) The Taxing Master,

- (c) The Insolvency Registrar,
- (d) The Accounts Officer,
- (e) The Official Assignee,
- (f) The Court Receiver.

The Prothonotary and Senior Master has an independent office under him consisting of eleven gazetted officers and sixty-six Class III officers. Attached to the office of the Prothonotary and Senior Master is the Chief Translator and Interpreter, with forty-one Class III officers under him. The staff under the other officers mentioned above includes seven gazetted officers and 107 Class III officers.

Sheriff

The execution of all writs, summons, rules, orders, warrants, commands, and processes of the High Court within Greater Bombay is entrusted to the Sheriff of Bombay. The Sheriff is not a paid official, but has under him a full-time Deputy Sheriff appointed by him and a staff of eleven Class III officers. The dignity of Sheriff is otherwise purely ceremonial in character, related to the reception of distinguished visitors to Greater Bombay and the summoning of public meetings of citizens. It is held by prominent citizens of Bombay for a term of one year.

Editor, Indian Law Reporter

The judgements of the High Court are officially reported by a part-time officer designated Editor, Indian Law Reporter, who is a practising lawyer and who is aided by a staff of three part-time reporters and four Class III officers.

CHAPTER TWENTY-ONE

SUBORDINATE JUDICIARY IN GREATER BOMBAY

Different judicial set-up in Greater Bombay

For historical reasons, which led to a stricter separation of executive and judicial functions in the City of Bombay than was considered expedient elsewhere before 1951 (when a complete separation was made elsewhere as well), the original City of Bombay, now expanded into Greater Bombay so as to cover the Islands of Bombay and Trombay and most of the Island of Salsette, has a judicial set-up which differs from that of the rest of the State in several respects.

Ordinary jurisdiction of City Civil and Sessions Court

Replacing part of the original civil jurisdiction of the High Court, the Bombay City Civil and Sessions Court, which was established in 1948, has jurisdiction in civil cases with a monetary value exceeding Rs. 3,000 (originally Rs. 2,000) and not exceeding Rs. 25,000, excepting suits and proceedings which are cognizable by the High Court (a) as a court of Admiralty or Vice-Admiralty or (b) as a court having testamentary, intestate or matrimonial jurisdiction or (c) for the relief of insolvent debtors or (d) under any special law other than the Letters Patent (which define the jurisdiction of the High Court). The High Court may transfer to the City Civil Court any suit or proceeding which is cognizable by it as a court having matrimonial jurisdiction and instituted in such Court. The High Court may also for any special reason and at any stage remove for trial by itself any suit or proceeding from the City Civil Court. As a Sessions Court it tries all sessions cases (i.e. cases which are beyond the powers of Presidency Magistrates to try or in which sentences beyond the powers of Presidency Magistrates are, in the opinion of the Magistrates concerned, called for) which were before 1948 tried by the High Court in respect of the City of Bombay and by the Sessions Court for Thana and Bombay Suburban Districts in respect of other areas. The Sessions Court does not ordinarily take cognizance of any offence as a court of original jurisdiction unless the accused has been committed to it by a Presidency Magistrate after preliminary proceedings leading to the framing of charges and examination of witnesses, if any, on behalf of the accused. The Sessions Court has powers to pass any sentence authorised by law, but a sentence of death passed by the Court requires confirmation by the High Court. Appeals from sentences passed by the City Sessions Court lie to the High Court, but no appeal lies if the sentence is one of imprisonment not exceeding six months only or of fine not exceeding two hundred rupees only. An appeal against an acquittal does not lie except where Government directs the Public Prosecutor to present an appeal to the High Court, or, in a case instituted

on complaint, where the High Court grants special leave for appeal to the complainant. Until recently, and according to the procedure followed in the High Court, trials before the Sessions Court were held with the aid of a jury which was the sole judge as to the facts. In this respect the Court differed from corresponding Sessions Courts in the districts which were generally aided by assessors with a restricted advisory role, though trial by jury was also permissible, and, in some cases, mandatory. The jury system as well as that of assessors has now been abolished. Unlike the position in the districts, the City Sessions Court does not function as a court of appeal from decisions of lower criminal courts in Greater Bombay. Appeals go direct to the High Court.

Special jurisdiction of City Civil Court or Principal Judge

Under certain statutes certain orders or decisions of executive authorities affecting property rights, or requiring removal from premises or determining compensation are made subject to appeal to, or revision by, the Principal Judge of the City Civil Court or by a judicial officer nominated by the Principal Judge or by a judge of the City Civil Court nominated by the Government in consultation with the Principal Judge or the High Court. Except in respect of appeals under the Bombay Public Trusts Act, 1950, orders in appeal or revision are final. In the case of appeals under the Bombay Public Trusts Act, 1950, further appeal to the High Court is permitted.

Composition of City Civil and Sessions Court

The City Civil and Sessions Court consists of a Principal Judge and twelve other judges. The Principal Judge is appointed by the Governor in consultation with the High Court from among the judges of the Court or from among District Judges. The judges are appointed by the Governor on the recommendation of the High Court from members of the bar who have practised for not less than seven years or, in consultation with the High Court, from among District Judges, the Chief Judge, Small Cause Court, Bombay, the Chief Presidency Magistrate and the Additional Chief Presidency Magistrates.

Administrative staff of City Civil and Sessions Court

The administrative work of the Court is done in six departments, viz. criminal department, civil department, decree department, board department, accounts department and correspondence department. The work is controlled by the Registrar, City Civil Court, on the civil side, assisted by a Deputy Registrar. The Registrar may, with the previous approval of the High Court, be invested by Government with any powers of a judge of the City Civil Court, other than the power of trying suits and proceedings. On the criminal side, the work is controlled by the Registrar, City Sessions Court. Under the two Registrars are 137 Class III officers, including an assistant

registrar, a chief superintendent, superintendents, assistant superintendents, sheristedars, stenographers, interpreters, librarian, clerks and typists. The Sheriff of Bombay performs in respect of writs, summons, etc. of the City Civil Court and the City Sessions Court the same functions as he does in respect of the High Court.

Jurisdiction of Court of Small Causes, Bombay

Civil suits with a monetary value of not more than Rs. 3,000/- are within the jurisdiction of the Bombay Court of Small Causes constituted under the Presidency Small Cause Courts Act, 1882. These suits are tried generally in a summary manner by a single judge, appeals being heard by a Bench of two or more judges. Special jurisdiction is conferred on the Court of Small Causes, to the exclusion of higher courts, to try all suits, irrespective of monetary value, between landlord and tenant under the provisions of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947. Appeals lie to a Bench of two judges of the Court. Special jurisdiction is also conferred on the Chief Judge of the Court in several respects under the Bombay Municipal Corporation Act, such as settling questions regarding the disqualification of councillors, dealing with appeals in respect of entries in the list of voters, deciding election petitions, hearing appeals against rateable values or taxes fixed or charged, dealing with appeals against orders for demolition of insanitary or obstructive buildings and appeals against certain demands for expenses or compensation. In a few cases provision is made for appeal to the High Court, but otherwise the decision of the Chief Judge is made conclusive. The Chief Judge is empowered to delegate either generally or specially to any other judge of the Court power to receive applications, appeals and references under the Bombay Municipal Corporation Act and to discharge any other duty in connection with such applications, appeals and references, except hearing and adjudication. Even these functions may be delegated in respect of applications relating to the revision of the list of voters if the Chief Judge considers it necessary in order to ensure disposal of the applications in due time. Appeals also lie in a few other cases to the Court of Small Causes or to the Chief Judge against orders of certain specified officers or statutory authorities in respect of compensation or claims to property or unpaid wages, arbitration, etc.

Composition of Small Cause Court and qualifications of judges

The Court consists of a Chief Judge and fourteen other judges. The Chief Judge is appointed by the Governor in consultation with the High Court from among judges of the Court and Assistant Judges in the districts. Judges are appointed either by the Governor on the recommendation of the Maharashtra Public Service Commission from among members of the bar, including Police Prosecutors and Sub-Police Prosecutors, with practice for at least five years and judicial officers or by the High Court from among

serving Civil Judges and Judicial Magistrates of the First Class by promotion. Fifty per cent of the vacancies are filled by each method.

Administrative staff

The administrative work of the Court is controlled by a Registrar and an Additional Registrar. The Registrar is empowered to exercise several of the powers of a judge of the Court, and in the main he attends to work of a judicial nature which does not involve actual trial of suits in open court. The Additional Registrar attends exclusively to administrative work, which is done in thirteen departments, each under the charge of a Judge of the Court. The other staff consists of two hundred and seven Class III officers, including a deputy registrar, an assistant registrar, judicial clerks, superintendents, accountants, cashiers, assistant cashiers, translators and interpreters, an assistant appraiser, stenographers, stenotypists, head bailiff, bailiffs, librarian, clerks and typists.

Presidency Magistrates and their powers and functions

For the trial of criminal cases below the level of the City Sessions Court, and for holding committal proceedings in respect of criminal cases triable by that Court, Greater Bombay has, under the provisions of the Code of Criminal Procedure, 1898, Courts of Presidency Magistrates. Presidency Magistrates have power to try all criminal cases except those which by law are reserved for trial by a Court of Sessions, and they may pass sentences of imprisonment for a term not exceeding two years and of fine not exceeding one thousand rupees. Provision, however, exists in several enactments which enable them to pass any sentences which are permissible under those enactments, notwithstanding the provisions of the Criminal Procedure Code, 1898. Presidency Magistrates are allowed the privilege of recording evidence in a condensed form and the limits of non-appealable sentences that can be passed by them are higher than those applicable to magistrates elsewhere, or even to Sessions Courts, other than the Bombay City Sessions Court. Presidency Magistrates, however, unlike certain specially empowered Judicial Magistrates of the First Class in the districts, cannot entertain appeals from convictions by magistrates of a lower class. In fact, there is no provision for the appointment of any lower class of magistrates in Greater Bombay. Presidency Magistrates also perform in Greater Bombay some of the functions in connection with the maintenance of law and order performed in the districts by executive magistrates, such as sub-divisional magistrates or taluka magistrates. There is a Chief Presidency Magistrate, two Additional Chief Presidency Magistrates and twenty-seven other Presidency Magistrates, including a Presidency Magistrate exclusively for the Juvenile Court. In addition there is a temporary appointment of Special Judicial Magistrate and Presidency Magistrate, Bombay. The Chief Presidency Magistrate exercises in Greater Bombay the

powers of control and supervision over the other Presidency Magistrates exercisable by the Sessions Judge elsewhere over Judicial Magistrates. The Chief Presidency Magistrate also exercises, under the provisions of the Criminal Procedure Code, 1898, some of the powers in respect of the maintenance of law and order which in the districts are exercised by District Magistrates. Appeals lie direct to the High Court, but appeals against acquittals are not admitted unless they are presented by the Public Prosecutor under the directions of the State Government, or, by special leave of the High Court, they are presented by the complainant in a case instituted on complaint.

Appointment and qualifications of Presidency Magistrates

The Chief Presidency Magistrate and the Additional Chief Presidency Magistrates are appointed by the Governor in consultation with the High Court by promotion from among the Presidency Magistrates or by transfer from among Assistant Judges in the districts. Presidency Magistrates are appointed in the same manner as judges of the Bombay Small Cause Court. Two posts of Presidency Magistrate are, however, generally filled by transfers, on a tenure basis, of Judicial Magistrates of the First Class from the districts on their own scales of pay. These officers are utilised to try minor cases, mainly railway offences. One post of Presidency Magistrate is reserved for the Juvenile Court and it is held by an officer specially recruited with particular reference to aptitude for work in the field of juvenile delinquency and without insistence on legal qualifications.

Honorary Presidency Magistrates

In addition to stipendiary Presidency Magistrates, benches of honorary Presidency Magistrates function in Greater Bombay to try petty offences. Such benches sit usually for a few hours in the mornings. There are seven such benches, located at five centres.

Administrative work

The administrative work relating to the Courts of the Presidency Magistrates is controlled by a Registrar of gazetted rank, who also exercises some of the powers of a Presidency Magistrate, such as execution of commissions issued by courts outside Greater Bombay, and attestation of affidavits, declarations, powers of attorney, etc. The Registrar is assisted by a staff of 243 Class III officers, including a deputy registrar, one assistant registrar, a chief interpreter, judicial clerks, interpreters, cashiers, stenographers, clerks and typists.

Location of Courts of Presidency Magistrates

The Courts of the Presidency Magistrates are distributed over the area of Greater Bombay and are not concentrated in one place as are other courts.

There are twelve centres at which courts are situated. The number of magistrates at each centre varies from one to seven, according to the volume of work.

Coroner of Bombay

A special feature of the judicial set-up in Greater Bombay is the entrustment of the duty of enquiring into sudden or suspicious deaths, deaths of prisoners or inmates of specified institutions and deaths of persons in the custody of the police to a special official designated Coroner of Bombay. The Coroner has the same qualifications as a Presidency Magistrate. Inquests are held by the Coroner with the aid of a jury, but such inquests have to be adjourned if criminal proceedings are instituted before a magistrate in respect of an offence touching the death being inquired into until the proceedings are concluded, and inquests so adjourned cannot be resumed against any person in respect of any offence with which he was charged or of which he could have been convicted in the criminal proceedings. No finding may also be recorded which is inconsistent with the determination of any matter by the result of the criminal proceedings. Though the functions of the Coroner are quasi-judicial, he comes under the administrative control, not of the High Court, but of the Home Department of the Secretariat. The Coroner has been entrusted with additional functions under the Bombay Anatomy Act and the Corneal Grafting Act. Under the former Act he authorises the disposal of unclaimed dead bodies and their distribution among approved institutions for anatomical purposes and dissection. Under the latter Act he authorises the removal of the eyes from unclaimed dead bodies for therapeutic purposes. The Coroner has under him a Personal Assistant and a small office. Two Sub-Inspectors of Police and four Police Constables, including two orderlies, are deputed to serve at the Coroner's Court.

CHAPTER TWENTY-TWO

SUBORDINATE JUDICIARY OUTSIDE GREATER BOMBAY

Division of State into judicial districts

For the purpose of the administration of civil justice, the area of Maharashtra State outside Greater Bombay is divided into districts which correspond to the districts constituted for purposes of revenue and general administration, though it is open to the Government to constitute districts for judicial purposes which differ in area from revenue and administrative districts. For the administration of criminal justice the area of the State outside Greater Bombay is divided into sessions divisions, which generally coincide with judicial districts, though it is open to the Government to constitute a sessions division of more than one such district. The State at present consists of twenty-five judicial districts, each of which also constitutes a sessions division.

District Courts and powers of district judges

In each judicial district there is a District Court presided over by a judge called the District Judge. The District Judge ordinarily holds the District Court at the headquarters of the district but may, with the previous sanction of the High Court, hold it elsewhere within the district. The District Court is the court of appeal from all decrees and orders passed by the subordinate civil courts from which an appeal lies under any law for the time being in force, except when express provision is made for an appeal direct to the High Court. The District Judge has full original civil jurisdiction but, except in testamentary and matrimonial matters, this is seldom exercised. It is open to Government to appoint in any district a Joint Judge invested with co-extensive powers and concurrent jurisdiction with the District Judge, except that he cannot keep a separate file of civil suits but has to transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court. The District Judge has general control over all the civil courts and their establishments in the district. He is required to inspect, or cause one of his assistants to inspect, the proceedings of all courts subordinate to him and to give such directions in matters not provided by law as he thinks necessary. He has to obey all writs, orders or processes issued to him by the High Court, to refer to the High Court all such matters as appear to him to require a ruling from that Court, and to furnish such reports or returns and copies of proceedings as may be called for by the High Court or by the State Government.

Sessions Courts and powers of Sessions Judges

There is in each district a Court of Sessions, the judge of such court being the District Judge with the designation of Sessions Judge. The Sessions

Judge tries criminal cases which are committed to him by Judicial Magistrates of the First Class after preliminary enquiry and framing of charges as beyond their powers to try. He also passes sentences in cases tried by Judicial Magistrates of the First Class and referred to him by them because in their opinion sentences beyond their powers are called for. Thirdly, he hears appeals against sentences passed by Assistant Sessions Judges or by Judicial Magistrates of the First Class, unless the sentence is one of imprisonment for a term exceeding four years or of transportation, when the appeal lies direct to the High Court. Appeals against acquittals lie direct to the High Court and may be presented only by the Public Prosecutor under the direction of the State Government or, by special leave of the High Court, by the complainant in a case instituted on complaint. Unless expressly provided in any law, no Court of Sessions can take cognizance of any offence as a court of original jurisdiction unless the accused has been committed to it by a magistrate. The Sessions Judge may pass any sentence authorised by law, but a sentence of death passed by him is subject to confirmation by the High Court. Additional Sessions Judges may be appointed by the Government in consultation with the High Court for a sessions division. An Additional Sessions Judge has co-extensive powers with the Sessions Judge but may try only such cases as the Government may, in consultation with the High Court, by general or special order direct him to try or as the Sessions Judge, by general or special order, may make over to him for trial. The Sessions Judge has supervision and control over all Assistant Sessions Judges and Judicial Magistrates in his district. Appeals by persons convicted on a trial held by a Sessions Judge or an Additional Sessions Judge lie to the High Court, unless the sentence is one of imprisonment not exceeding one month only or of fine not exceeding fifty rupees only.

Methods of appointment and qualifications of District Judges and Joint Judges

District and Sessions Judges and Joint Judges are appointed by the Governor either by promotion in consultation with the High Court from among judicial officers who have served as Assistant Judges or by nomination on the recommendation of the High Court from among members of the bar who have practised for not less than seven years, provided that persons recruited below the age of 45 years are first appointed as Assistant Judges for such period as may be prescribed.

Assistant Judges and Assistant Sessions Judges

Below the District and Sessions Judge and the Joint Judge, if any, come the Assistant Judges who are also Additional Sessions Judges or Assistant Sessions Judges. For civil cases, an Assistant Judge ordinarily holds his court at the same place as the District Judge, but may hold his court elsewhere within the district whenever the District Judge, with the previous sanction of the High Court, directs him to do so. In two districts (Osmanabad and

Buldhana) the Court of the Assistant Judge is held at a place other than district headquarters. For criminal cases, an Assistant Sessions Judge sits in the Court of Session presided over by the Sessions Judge of the district.

Civil jurisdiction of Assistant Judges

In civil matters, Assistant Judges have jurisdiction to try original suits referred to them by the District Judge of which the subject matter is less than fifteen thousand rupees, though in actual practice they seldom hear such suits. They also hear applications or references under special acts and miscellaneous applications which may be referred to them by the District Judge. Appeals lie to the District Judge where the amount or value of the subject matter does not exceed ten thousand rupees and to the High Court where it does. Assistant Judges also have jurisdiction to try such appeals from the decrees or orders of the subordinate courts as would lie to the District Judge and as may be referred to them by the District Judge. Decrees and orders passed in appeal by Assistant Judges have the same force, and are subject to the same rules as regards procedure and appeal, as decrees and orders passed by the District Judge. An Assistant Judge may be invested by the State Government with all or any of the powers of a District Judge within a particular part of a district and, when this is done, to that extent the jurisdiction of the District Judge is excluded from that part.

Criminal jurisdiction of Assistant Sessions Judges

For criminal cases, Assistant Sessions Judges (Additional Sessions Judges have been dealt with along with District and Sessions Judges) try such cases in the Sessions Court of the district as may be assigned to them under rules made by the Sessions Judge. They have power to pass any sentence authorised by law except a sentence of death or transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years. Appeals against sentences lie to the High Court or the Sessions Judge as already mentioned, but, unless expressly provided, no appeal lies where a sentence of imprisonment not exceeding one month only or a sentence of fine not exceeding fifty rupees only has been passed. An Assistant Sessions Judge does not ordinarily hear appeals in criminal cases.

Appointment and qualifications of Assistant Judges

Assistant Judges are appointed by the Governor in consultation with the High Court by promotion from among Civil Judges (Senior Division) and Civil Judges (Junior Division), including Judicial Magistrates of the First Class, of not less than seven years' standing who are not more than 45 years of age (or 48 years if belonging to a backward class). As already mentioned, a directly recruited District Judge may be first posted as an Assistant Judge for a specified period if he is less than 45 years of age at the time of appointment.

Special jurisdiction of District Courts etc.

As in the case of the Bombay City Civil Court, appeals may be preferred against, or applications made for revision of, certain orders or decisions under certain acts of executive authorities affecting property rights, or requiring removal from premises, or levying charges or surcharges for losses caused to local authorities through negligence of members or officers or determining compensation payable to or by the party making the appeal or reference to the District Court or the District Judge. Provision is also made for the reference of election disputes in the case of local authorities other than municipal corporations and village panchayats to the District Judge, though such references are not necessarily heard by him. They are heard by such judge in the district not lower in rank than an Assistant Judge as is appointed by the Government specially for the case or generally for such cases. Under the Bombay Provincial Municipal Corporations Act, 1949, the District Court is also constituted the final court of appeal in respect of orders of the special judge designated under the Act to hear applications in regard to fixation of rateable values, levy of taxes or confirmation of demolition orders, where the monetary value exceeds a specified sum. Orders in appeal or revision are generally final and not open to further appeal or reference, except that an order in an appeal under the Bombay Public Trusts Act, 1950, is subject to further appeal to the High Court.

Civil subordinate courts and their distribution

For civil cases, below the District Court and the Courts of the Assistant Judges come the courts of the Civil Judges (Senior Division) and Civil Judges (Junior Division) which are called subordinate civil courts. In each district there are as many subordinate civil courts as the State Government from time to time determines, each under a Civil Judge (Senior Division) or a Civil Judge (Junior Division). The local limits of the jurisdiction of each court are prescribed by the State Government and may be altered from time to time, and judges hold their courts at such places as that Government may from time to time appoint within the local limits of their respective jurisdictions. It is open to the State Government to fix more than one place for any one judge and, in that case, the District Judge fixes, subject to the control of the High Court, the days on which the judge concerned shall hold court at each of such places. Again, the same person may be appointed to be judge of more than one court and, in that case, he may dispose of the business of any one of his courts at the headquarters of any other of them. The time to be devoted to each court is regulated in such cases by rules made by the District Judge, subject to the control of the High Court. Where the volume of business requires it, the High Court may appoint to any subordinate civil court one or more joint civil judges to assist the presiding civil judge in the disposal of business on his file, or the District Judge may, with the previous

sanction of the High Court, depute to the subordinate court concerned a civil judge of another subordinate court in the district. A civil judge so deputed has to dispose of such business within the limits of his additional jurisdiction as may be referred to him by the presiding civil judge, subject to the control of the District Judge. He may also dispose of the business of his own subordinate court at the place of his deputation. It will be seen that considerable flexibility exists to enable variations in volume of business to be dealt with without interfering with the normal arrangements in respect of jurisdiction.

Classes of Civil Judges

A subordinate civil court in a district may, as we have seen, be presided over by a Civil Judge (Senior Division) or by a Civil Judge (Junior Division). The jurisdiction of a Civil Judge (Senior Division) extends to all original suits and proceedings of a civil nature without limit of amount or value. Appeals from decisions of a Civil Judge (Senior Division) lie to the District Court or to the High Court according as the amount or value of the subject matter does not exceed or exceeds ten thousand rupees, as in the case of appeals from decisions of Assistant Judges. The jurisdiction of a Civil Judge (Junior Division) extends to all original suits and proceedings of a civil nature wherein the subject matter does not exceed in amount or value ten thousand rupees, but in the case of a Civil Judge (Junior Division) of not less than ten years' standing and specially recommended by the High Court, the Government may increase the limit of ten thousand rupees to fifteen thousand rupees, such increased power being exercisable by the judge concerned irrespective of the district in which he is posted, unless expressly withdrawn. Irrespective of value, no suit in which the Government or an officer of the Government in his official capacity is a party may, with certain exceptions, be received or registered in a court presided over by a Civil Judge (Junior Division). Suits and proceedings arising within the jurisdiction of a Civil Judge (Junior Division) wherein the subject matter exceeds the pecuniary limits of his jurisdiction or suits and proceedings in which the Government or any officer of the Government in his official capacity is a party come within the special jurisdiction of the Civil Judge (Senior Division) in the same district. In a district which has more than one court of a Civil Judge (Senior Division), the District Judge, subject to the orders of the High Court, assigns to each such court the local limits within which the special jurisdiction of its presiding judge is to be exercised. Ordinarily civil judges have no jurisdiction in testamentary matters, but the High Court may by general or special order invest any civil judge with all or any of the powers of a District Judge or a District Court in such matters within such local limits and subject to such pecuniary limits as may be prescribed in such order.

Appellate jurisdiction of civil judges

A Civil Judge (Junior Division) has no appellate jurisdiction. A Civil Judge (Senior Division) also ordinarily has no appellate jurisdiction, but the

State Government has discretion to invest any such judge with power to hear appeals from such decrees and orders of subordinate courts as may be referred to him by the District Judge, such appellate power being exercisable by the judge concerned, irrespective of the district in which he is posted, unless expressly withdrawn.

Courts of Small Causes in the districts

At Poona and Nagpur there exist, in addition to the civil subordinate courts described above, Courts of Small Causes constituted under the Provincial Small Cause Courts Act, 1887, and having original jurisdiction within the cities of Poona and Nagpur. The Court at Poona consists of two judges and that at Nagpur consists of one judge. These Courts have powers to try suits up to a value of Rs. 2,000/- in a summary manner. The advantages of the expeditious procedure provided in these Courts of Small Causes for suits of comparatively small value are available over much wider areas than those for which these Courts have been constituted, since the High Court may invest any civil judge with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such courts upto such amount as it may deem proper, not exceeding, in the case of a Civil Judge (Senior Division), one thousand and five hundred rupees and, in the case of a Civil Judge (Junior Division), five hundred rupees. As in the case of other enhanced or additional powers conferable on civil judges, small cause powers, once conferred, are exercisable by the civil judge concerned, irrespective of the district in which he may be employed, unless expressly withdrawn. A judge of the Court of Small Causes at Poona or Nagpur may be invested by the State Government with the same appellate powers as those with which a Civil Judge (Senior Division) may be invested.

Special jurisdiction of civil judges and judges of Courts of Small Causes in the districts

Special jurisdiction is given to the Court of Small Causes, Poona, to hear disputes between landlord and tenant under the provisions of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947. It is, however, open to the District Court to withdraw a suit, proceeding or application pending before the Court of Small Causes at any stage and transfer it for trial to the Court of the Civil Judge (Senior Division) having ordinary jurisdiction in the area. Outside the City of Poona, this special jurisdiction is exercised by the Civil Judge (Junior Division) having jurisdiction in the area in which the premises involved in the dispute are situated or, if there is no Civil Judge (Junior Division) with jurisdiction in the area, then by the Civil Judge (Senior Division) having jurisdiction. Appeals lie to the District Court subject to certain exceptions, and there is no further appeal. The Court of Small Causes, Poona, also has special jurisdiction under the Bombay

Provincial Municipal Corporations Act, 1949, to hear disputes regarding disqualification of councillors of the Poona Municipal Corporation, to receive and decide election petitions and to deal with references in several other matters arising under the Act, the most important of which are disputes about rateable values and the levy of taxes. In some cases appeals lie to the District Court. In others the decision of the Court of Small Causes is final. Under the Bombay Village Panchayats Act, 1958, election disputes are heard by the Civil Judge (Junior Division) having jurisdiction in the area or, in the absence of a Civil Judge (Junior Division), by the Civil Judge (Senior Division) having jurisdiction in the area.

Subordinate criminal courts in districts

For the trial of criminal cases below the level of the Sessions Courts and for holding committal proceedings in respect of criminal cases triable by these Courts are the courts of Judicial Magistrates of the First Class. In each district there are as many such courts as the State Government may from time to time determine. The Sessions Judge, subject to the control of the High Court, may define the local limits within which the presiding magistrate of each court should exercise all or any of the powers with which he is invested, but, except as otherwise provided by such definition, the jurisdiction and powers of each Judicial Magistrate of the First Class extends throughout the district. Provision exists in the Criminal Procedure Code, 1898, for the appointment of Judicial Magistrates of the Second or Third Class with lower powers than those of Judicial Magistrates of the First Class but no such magistrates have been actually appointed after the judicial and executive functions of the magistracy were separated in 1951. Provision also exists for the formation of Benches of two or more magistrates to sit jointly, but no such benches at present function. All judicial magistrates are subordinate to the Sessions Judge who may, from time to time, make rules or give special orders as to the distribution of work among them. Judicial Magistrates of the First Class have more or less the same powers as Presidency Magistrates, except that a few powers exercisable by Presidency Magistrates in the ordinary course can be exercised by Judicial Magistrates only if they are expressly empowered to do so by name, such as power to take cognizance of offences upon complaint or upon police report or without complaint, power to issue a summons or warrant for an offence committed beyond local jurisdiction, and power to try summarily. A Judicial Magistrate of the First Class may also be specially empowered to transfer any case of which he has taken cognizance to any of other specified magistrate in the district for inquiry or trial. In Greater Bombay this power is reserved to the Chief Presidency Magistrate. Specially empowered Judicial Magistrates of the First Class are competent to pass sentences on proceedings recorded by Judicial Magistrates of the Second or Third Class and submitted to them with the opinion that the accused is guilty and deserves a punishment more severe than that which the submitting

magistrate is empowered to inflict. Such specially empowered Judicial Magistrates of the First Class may also hear appeals from convictions by lower magistrates. As already mentioned, Presidency Magistrates do not have comparable powers in the absence of provision for appointing magistrates with lower powers in Greater Bombay. In addition to powers connected with the trial of criminal cases, Judicial Magistrates have, under the provisions of the Criminal Procedure Code, certain powers in the sphere of maintenance of law and order which they share with executive magistrates. Some of these are specified later. Judicial Magistrates have been given special jurisdiction under the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, to hear appeals against rateable values and demands for taxes in municipal areas.

Combined Civil and Criminal Courts

Where the state of work warrants, a Civil Judge (Junior Division) presiding over a subordinate civil court may preside simultaneously over a criminal court as Judicial Magistrate of the First Class. Every Civil Judge (Junior Division) is, in any case, ordinarily invested with the powers of a Judicial Magistrate of the First Class.

Executive Magistrates

The separation of the Judiciary from the Executive in 1951 in respect of the trial of criminal cases in subordinate courts in the districts has not affected the magisterial powers which have traditionally been exercised by executive authorities as part of the general duty of maintaining law and order. The Collector of each administrative district (excepting Bombay Suburban District which, for purposes of the maintenance of law and order, comes under the special arrangements applicable to Greater Bombay as a whole) is *ex-officio* District Magistrate for the exercise of the executive magisterial powers conferred by the Criminal Procedure Code, 1898, and numerous other laws. Under the District Magistrates are executive magistrates designated as Additional District Magistrates (usually Additional Collectors or Personal Assistants to the Collectors), Sub-Divisional Magistrates (Assistant Collectors and Deputy Collectors), and Taluka Magistrates (Mamlatdars, Tahsildars, Mahalkaris, Naib Tahasildars, Awal Karkuns to Mamlatdars or Mahalkaris, Supernumerary Assistant Collectors and Probationary Deputy Collectors). The more important of the powers of the Taluka Magistrates under the Civil Procedure Code, 1898, are power to arrest offenders or to direct the arrest of offenders in his presence, and to commit offenders to custody, power to issue search warrants, powers in respect of dispersal of unlawful assemblies and certain powers in respect of seized property. If specially empowered by the Government, Taluka Magistrates can make certain prohibitory orders, issue orders in possession cases, hold inquests, sell certain property and demand security for keeping the

peace. Sub-Divisional Magistrates have all the ordinary and special powers of Taluka Magistrates and, in addition, can issue search warrants, make orders regarding local nuisances, depute subordinate magistrates to make enquiries, order police investigations into cognizable cases and record statements and confessions during police investigations. The District Magistrate has all the ordinary and special powers of a Sub-Divisional Magistrate and, in addition, power to require letters, telegrams, etc. passing in the post to be delivered to him, power to discharge persons bound over to keep the peace, power to order preliminary investigations by the police, power to hear appeals against certain orders of lower magistrates, power to call for records, power to appoint a Public Prosecutor in a particular case and power to issue commissions for the examination of witnesses. In addition, powers are conferred on District Magistrates and other executive magistrates by several other laws, one of the most important of which is the Bombay Police Act, 1951. Many of the powers mentioned above are exercisable also by Judicial Magistrates. The most important of the powers which are common to both classes of magistrates are those in regard to unlawful assemblies, magisterial control in certain police investigations, arrest of offenders and remand to custody, recording of confessions and statements, tendering pardon and receipt of police reports in investigations. Though the law permits of the appointment of executive magistrates exclusively functioning as such, no such magistrates have been appointed. All executive magistrates are, as mentioned above, also revenue officers. The Government also has power to appoint Special Executive Magistrates for particular functions and to confer on them such powers as it deems fit, but no police officer below the rank of Assistant Superintendent may be so appointed and no powers may be conferred on a police officer except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to bring them before a magistrate and for the performance by the officer of any other duty laid on him by any law in force.

Appointment and qualifications of judicial officers below rank of Assistant Judge

Civil Judges (Junior Division) and Judicial Magistrates of the First Class form a combined cadre, constituting Class II of the Junior Branch of the Maharashtra Judicial Service. They are appointed by the Governor on the recommendation of the Maharashtra Public Service Commission from among members of the bar who have practised for not less than three years, including Police Prosecutors and Sub-Police Prosecutors. Civil Judges (Senior Division), who along with judges of the Courts of Small Causes and Presidency Magistrates constitute Class I of the Junior Branch of the Maharashtra Judicial Service, are appointed by the High Court by promotion from among Civil Judges (Junior Division). Judges of the Courts of Small Causes at Poona and Nagpur are appointed by the High Court by promotion from among Civil Judges (Senior Division).

Location of courts in districts

As already stated, the superior courts in a district (i.e. those of the District Judge and Assistant Judges, if any) are ordinarily located at district headquarters (in only two districts, viz. Buldhana and Osmanabad are the courts of the Assistant Judges situated elsewhere). Five districts have no Assistant Judges. Many districts have one Assistant Judge each, some have two or three Assistant Judges each, and one (Poona) has five. At each district headquarters there is the court of a Civil Judge (Senior Division), ordinarily manned by one judge, but in some places there may be attached to the court a Joint Civil Judge (Senior Division) or more than one such joint judge. In two districts (Ahmednagar and Jalgaon) there is one such Joint Civil Judge (Senior Division), in one district (Nasik) there are two such judges, in one district (Nagpur) there are three such judges and in one district (Poona) there are four such judges. In two districts (Akola and Buldhana), in addition to the Court of Civil Judge (Senior Division) at the district headquarters, there is one such court at a tahsil headquarters in each district as well, and in one district (Amravati) there are two such courts at tahsil headquarters in addition to the court at district headquarters. Except in a few districts, Civil Judges (Junior Division) are also attached to the courts of the Civil Judge (Senior Division, at district headquarters as Joint Civil Judges, but they try only cases within their more restricted powers. At most taluka and tahsil headquarters there is a court of a Civil Judge (Junior Division). At some places, where the volume of work justifies it, there is in addition a Joint Civil Judge (Junior Division) attached to the court. In some places there may be as many as three such joint judges. In fifteen districts there are separate criminal courts of Judicial Magistrates of the First Class exclusively dealing with criminal cases. In the remaining ten, no separate criminal courts exist. Some of the criminal courts are at important railway centres and are meant for railway cases only. Others in the larger cities are meant mainly for prohibition cases or motor vehicles cases or municipal cases. Altogether in the whole State there are roughly sixty courts of Judicial Magistrates of the First Class of which as many as twenty-eight are in the Poona and Nagpur Districts alone (fourteen in each district). Where separate criminal courts do not exist, cases are heard by the Civil Judge (Junior Division) or Civil Judge (Senior Division) having jurisdiction in exercise of the powers conferred on him under the Criminal Procedure Code.

Administrative work of courts in districts

For administrative work, each court is assisted by ministerial officers. Each District Court generally has two superior ministerial officers, namely a Clerk of the Court and the Nazir. The former is the chief ministerial officer for court work and the latter is the chief ministerial officer for execution work, service of process and accounts. In the case of lower civil courts a single

official performs both functions. Under the Nazir there are process servers called bailiffs who serve summons, notices and orders, prepare processes for execution and decrees and orders. In addition, there are Registrars and Nazirs for the Courts of Small Causes, Head clerks, Bench clerks, Stenographers, Record Keepers, Section Writers and Clerks. Altogether the Class III and Class IV staff of the Judicial Department outside Greater Bombay numbers about 6,223 (including over 1,350 bailiffs).

Strength of judiciary in districts

The number of judicial officers outside Greater Bombay is as follows :

Maharashtra Judicial Service (Senior Branch)

| | | | |
|------------------------------|------|------|----|
| District and Sessions Judges | | | 25 |
| Assistant Judges | | | 37 |

Maharashtra Judicial Service (Junior Branch)

Class I

| | | | |
|----------------------------------|------|------|----|
| Judges of Courts of Small Causes | | | 3 |
| Civil Judges (Senior Division) | | | 38 |

Class II

| | | | |
|--|------|------|-----|
| Civil Judges (Junior Division) and Judicial Magistrates of the First Class | | | 345 |
|--|------|------|-----|

CHAPTER TWENTY-THREE

NYAYA PANCHAYATS

Constitution and functions

For the administration of civil and criminal justice in petty matters at the village level to the exclusion of the jurisdiction of the normal courts growing recourse is being had to *nyaya panchayats* to settle disputes or try offences locally without the expense and other onerous incidents of elaborate court proceedings. There are about 3,400 *nyaya panchayats* at present. These *nyaya panchayats* function under the provisions of the Bombay Village Panchayats Act, 1958, which requires that there should be a *nyaya panchayat* for each group of village *panchayats* not less than five in number and contiguous as far as possible, brought together for the purpose by notification issued by the State Government. Each village *panchayat* in the group has one representative on the *nyaya panchayat* and such representative is elected by the village *panchayat* from out of the *Gram Sabha* (or general body of registered voters) of the village, the *sarpanch* and *upa-sarpanch* of the village being debarred from election. The term of each representative on the *nyaya panchayat* is coterminous with that of the electing *panchayat*. A *nyaya panchayat* exercises such judicial powers, civil and criminal, as the Government may by notification direct out of those listed in the Bombay Village Panchayats Act, 1958. In civil matters, a *nyaya panchayat* may be empowered to try, subject to specified exceptions, all or any of the following suits, where the amount or value of the claim does not exceed one hundred rupees :

- (a) suits for money due on contracts not affecting any interest in immovable property;
- (b) suits for the recovery of movable property or for the value thereof;
- (c) suits for compensation for the wrongful taking and injuring immovable property.

In criminal matters, a *nyaya panchayat* may be empowered to take cognizance of and try all or any of certain specified minor offences under the Indian Penal Code, the Prevention of Cruelty to Animals Act, and Acts relating to Vaccination and Primary Education, and also such compoundable offences under any law for the time being in force as may be specified by the Government by notification. A *nyaya panchayat* is debarred from taking cognizance of an offence in which either the complainant or the accused is a member of the *nyaya panchayat* or a public servant serving in the district in which the villages for which the *panchayat* is established are situated, except in certain cases under the law relating to Vaccination or Primary Education

notwithstanding that the complainant is a public servant. Limits are placed on the penalties which may be inflicted and, in particular, no *nyaya panchayat* can inflict a sentence of imprisonment, whether substantive or in default of fine, and no person may be arrested or imprisoned in execution of a decree. The State Government has power to empower individual *nyaya panchayats* to inflict higher penalties. A *nyaya panchayat* sits for the hearing of a suit or the trial of a case at the village where such suit or case has been instituted and is presided over by one of its members by turn in a prescribed rotation. The Secretary of the *panchayat* of the village where the *nyaya panchayat* sits for hearing acts as the judicial clerk of the *nyaya panchayat* for the purpose of recording its proceedings and decisions and performing such other duties as may be required. The funds required to meet the expenses of the *nyaya panchayat* are provided by the State Government, which prescribes how the funds provided are to be expended and accounted for. The Government may withdraw all or any of the powers conferred on a *nyaya panchayat* if it is found to be incompetent and individual members may be removed for misconduct.

Procedure of nyaya panchayats and their relation to ordinary courts

Nyaya panchayats are empowered to issue summons to defendants or accused and to witnesses, and are required to observe some of the basic principles of the law of evidence in their proceedings. No legal practitioner may appear on behalf of any party but a relation, servant or dependant may so appear if authorised in writing by the party and if such relation, servant or dependant has not previously been a legal practitioner. A *nyaya panchayat* is incompetent to cancel, revise or alter any decree or order passed by it, but may, for reasons to be recorded in writing, restore any suit which has been dismissed for default or in which a decree or order has been passed *ex-parte* against the defendant if an application is made within one month. If a *nyaya panchayat* considers that any suit or case before it is of such a nature, or of such a difficulty or importance, that it ought to be tried by a court, or that the accused in a case ought to receive a punishment different in kind from, or more severe than, one which the *nyaya panchayat* is empowered to inflict, it has to stay proceedings and refer the suit to the District Court or the case to the Sessions Court for orders. If the District Court or the Sessions Court agrees with the *nyaya panchayat*, it has to direct the plaintiff or complainant to the civil or criminal court, as the case may be, competent to take cognizance of the suit or case. If however, it does not agree, the District Court or Sessions Court will return the suit or case to the *nyaya panchayat* for disposal. Except in the circumstances just mentioned, no court may entertain any suit or take cognizance of any complaint within the jurisdiction of a *nyaya panchayat* and a magistrate upon receipt of such complaint has to return it for presentation to the *nyaya panchayat* having jurisdiction to try it. There is no appeal against a decree or order passed by a

nyaya panchayat, but a District Court or Sessions Court, as the case may be, may, either on an application by one of the parties or of its own motion, call for and examine the record or proceedings of the *nyaya panchayat* in order to satisfy itself as to the legality or propriety of any decree or order passed or as to the regularity of the proceedings held and it may, if it deems fit, modify, cancel or reverse the decree, order or proceedings in such manner as it thinks just. The District Court or the Sessions Court, as the case may be, may quash any proceedings of a *nyaya panchayat* at any stage, or cancel any decree or order passed by a *nyaya panchayat* and, in such a case, the plaintiff may institute a fresh suit for the same relief in a civil court or proceedings in respect of the same offence may be instituted in the court of a magistrate having jurisdiction. The District Court or the Sessions Court, as the case may be, may, on the application of an aggrieved party or otherwise, transfer any suit or case brought before a *nyaya panchayat* to a civil or criminal court competent to try the same. An order passed by a District Court or a Sessions Court is final and is not subject to any appeal, revision or review.

CHAPTER TWENTY-FOUR

TRIBUNALS, SPECIAL COURTS AND OTHER AUTHORITIES
PERFORMING QUASI-JUDICIAL FUNCTIONS

Origin of tribunals, special courts, etc.

For historical reasons, all justiciable matters are not under the jurisdiction of the ordinary courts. Prior to the coming into operation of the Constitution, there was an almost complete ouster of the jurisdiction of the courts in certain matters pertaining mostly to the raising of revenue and the control by the Government of the terms on which agricultural lands were held. An instance of the ouster of the civil courts in regard to land revenue is the Bombay Revenue Jurisdiction Act, 1876, which is still on the statute-book and which debars civil courts from entertaining suits relating to the settlement, assessment and collection of land revenue and which protects revenue officers from legal proceedings in respect of acts done in good faith in connection with these matters. Some later provisions in other matters may be cited as illustrations. Section 36A of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, provides as follows:

- “(1) No civil court or mamlatdar’s court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the State Government or any officer or authority.
- (2) No order of the State Government or any officer or authority made under this Act shall be questioned in any civil, criminal or mamlatdar’s court.”

Section 163 of the Maharashtra Co-operative Societies Act, 1960, provides as follows :

- “(1) Save as expressly provided in this Act, no civil or revenue court shall have any jurisdiction in respect of—
- (a) the registration of a society or its by-laws, or the amendment of its by-laws, or the dissolution of the committee of a society, or the management of the society on dissolution thereof ; or
- (b) any dispute required to be referred to the Registrar, or his nominee, or board of nominees, for decision ; or
- (c) any matter concerned with the winding up and dissolution of a society.
- (2) While a society is being wound up, no suit or other legal proceeding relating to the business of such society shall be proceeded with or

instituted against the society or any member thereof, or any matter touching the affairs of the society, except by leave of the Registrar, and subject to such terms as he may impose.

- (3) All orders, decisions, or awards passed in accordance with this Act or the rules, shall, subject to the provisions for appeal or revision in this Act, be final; and no such order, decision or award shall be liable to be challenged, set aside, modified, revised or declared void in any court upon the merits, or upon any other ground whatsoever except for want of jurisdiction.”

Initially, ultimate control over the final decisions in such matters as rights in land as against the State, government revenue, taxation and claims by the subject on the State was retained by the Executive in its own hands. At the most, appeals were allowed to Boards constituted wholly of executive officers who were under the superintendence and control of the Executive. In course of time special courts or tribunals were instituted with the powers of courts and a certain amount of independence of the Executive. Some of the existing special courts and tribunals are successors of these bodies. The establishment of others has been necessitated by the growing intervention of the State in the life of the community, such as regulation of employer-employee relations or the promotion of the cooperative movement. In the case of disputes arising in some of these new fields of State intervention, it has been found necessary to institute authorities which will perform the function, not only of ascertaining and applying the law as it stands, but also of giving an award after balancing conflicting claims and interests, with the larger interest of the public in view. Conciliation, arbitration and adjudication or even actual investigation to ascertain the facts is often involved. Since such matters go beyond the scope of the ordinary courts and cannot be dealt with according to the accepted procedure of such courts, special tribunals or courts have been established. The ultimate supremacy of the ordinary courts, is, however, preserved under the provisions of the Constitution. As already pointed out, the High Court has superintendence and control not only over courts expressly subordinate to it but also over all special courts and tribunals in the State. Moreover, the power of the High Court to issue writs for any purpose is not impaired by a provision in any law purporting to oust the jurisdiction of the courts in any matter. Similarly, under article 136 of the Constitution, the Supreme Court may entertain an appeal in any cause or matter which has come before any court or tribunal in the territory of India, and this power has been held to cover the decision or order of any authority whatsoever which is required and empowered to deal judicially with any matter.

Classes of special courts and tribunals

Special courts and tribunals in the State are of two kinds. In the first place there are standing courts and tribunals specially constituted to

deal with appeals or references in particular fields. Under this head come the Maharashtra Revenue Tribunal, the Industrial Courts and Labour Courts, the Sales Tax Tribunal, the Maharashtra Cooperative Tribunal and the Mamlatdars' Courts. The second class of special courts and tribunals are set up *ad hoc* as occasion arises under the provisions of various statutes. In some instances a judicial officer alone constitutes the special tribunal, and most such cases are covered by the description of the special jurisdiction of civil courts given earlier. In other cases a judicial officer sits with assessors appointed in accordance with the provisions of the enactment concerned. In still other cases, it is left to the Government to set up a tribunal when occasion arises. The tribunals and courts coming in each category are individually described in the following paragraphs.

The Maharashtra Revenue Tribunal

Prior to 1937, disputes relating to land revenue or in respect of the alienation of such revenue and claims against the Government in respect of property appertaining to any hereditary office or to village officers which were excluded from the jurisdiction of the civil courts were decided either by the Revenue Commissioners or by the Government. In the City of Bombay appeals in respect of land revenue lay to the Chief Presidency Magistrate as Revenue Judge. In 1937, a special tribunal was established to take over some of the judicial functions of executive officers. The functions of this tribunal have been extended from time to time and at present it functions under the provisions of the Bombay Revenue Tribunal Act, 1957, as the Maharashtra Revenue Tribunal. Under the Act, the Tribunal consists of a President and such number of other members as may be appointed by the Government, with such qualifications as may be prescribed. At present there are fourteen members. The term of office and conditions of service are also such as may be prescribed by the Government. The President and members are remunerated by the payment of honoraria. The Tribunal has its headquarters in Greater Bombay and ordinarily sits there. It may, however, sit at such other place or places convenient for the transaction of business as the President may, with the approval of the State Government, direct by general or special order. Poona, Nagpur and Aurangabad are the other places where the Tribunal generally sits outside Bombay City. The President has power to make regulations, subject to the previous approval of the Government, for regulating the practice and procedure of the Tribunal, including the award of costs of the Tribunal, the levy of any process fee, the right of audience before the Tribunal and the sittings of the members, either singly or in benches constituted by the President or by a duly authorised member. Where benches are constituted or any members sit singly, such benches or members have all the powers and functions of the Tribunal. Generally benches consist of two members, though for important matters benches may consist of more than two members. The Tribunal has jurisdiction to hear appeals against orders

of officers not below the rank of Collector under certain provisions of the law relating to land revenue, tenancy, the abolition of special tenures, jagirs, inams, watans, etc., and fixation of ceilings on holdings of agricultural lands. The Tribunal also has jurisdiction to entertain applications for revision from orders or decisions of officers not below the rank of Collector in appeal against orders or decisions of subordinate authorities. The State Government has power to extend the jurisdiction of the Tribunal to appeals against orders or decisions of Collectors in matters other than those already specified and, on such extension being made, the jurisdiction of any other authority to entertain the appeals ceases. Jurisdiction thus extended by the State Government to the Tribunal may be resumed by the Government and such resumed jurisdiction may later be conferred on some other authority. Where the Tribunal has jurisdiction no other officer or authority has jurisdiction to entertain appeals or applications for revision. The Tribunal, however, has no jurisdiction in any matter which is *sub-judice* in a court of law nor in any matter which in its opinion involves a question as to the validity of any Act, Ordinance or Regulation, and the determination of the validity of which is in its opinion necessary for the disposal of the matter. The Tribunal has the powers of a civil court for taking evidence on oath, summoning and enforcing the attendance of witnesses, compelling discovery and production of documents and material objects, requisitioning any public records or copies thereof and issuing commissions for the examination of witnesses. It is also deemed to be a civil court for the purposes of proceedings in respect of contempt of the lawful authority of the Tribunal or of offences committed in the course of its hearings. The Tribunal is required to give the State Government an opportunity to be heard whenever in any proceedings before it a question of public importance arises as to the interpretation of a law. The Government may of its own motion ask to be heard in such a case. The Tribunal may, either on its own motion or on application of any party interested or on application by the Government, review its own decision or order in any case and pass such order as it thinks just and proper. No appeal lies to the Government against any order passed by the Tribunal in appeal or revision and no order or decision of the Tribunal may be questioned in any civil or criminal proceedings. Orders of the Tribunal are executed in the manner in which similar orders, if passed by the Government, could be executed. The Tribunal has the assistance at headquarters of a Registrar of the rank of Deputy Collector and a Deputy Registrar of the rank of Mamlatdar or of Superintendent in the Secretariat. At each of the regional headquarters of Nagpur, Poona and Aurangabad it has the assistance of a Deputy Registrar of the rank of Mamlatdar. Under the Registrar and Deputy Registrars are a number of ministerial officers.

Industrial and Labour Courts and Tribunals

Industrial and Labour Courts and Tribunals function in Maharashtra State under the Industrial Disputes Act, 1947, which is operative throughout

the State and is an Act of the Central Legislature, the Bombay Industrial Relations Act, 1946, which applies only in the Western Maharashtra region of the State, and the Central Provinces and Berar Industrial Disputes Settlement Act, 1947, which applies only in the Vidarbha region of the State. These courts and tribunals perform the function of reconciling conflicting claims of employers and employees, and of settling labour disputes with the larger interests of the general community in view. Legal issues do arise in the course of the work of these courts and tribunals and that is why, by and large, the presiding authorities are required to have legal qualifications and the procedure prescribed resembles in several respects that of the ordinary courts. That is also why these courts and tribunals are treated as semi-judicial bodies coming within the ambit of articles 136 and 227 of the Constitution referred to above.

Industrial Tribunals, etc. under Industrial Disputes Act, 1947

In the case of disputes to which the Bombay Industrial Relations Act, 1946, does not apply (that Act applies only to the textile industry and a few other specified industries), one-man Industrial Tribunals or Labour Courts may be appointed to deal with disputes. For this purpose the services of the President and the Members of the Industrial Court established under the Bombay Industrial Relations Act, 1946, and the judges of the Labour Courts established under the same Act are utilised, and no separate personnel exist for the purpose. The Registrar of the Industrial Court also functions as Secretary to the Industrial Tribunals and he has the assistance of the other staff of the Industrial Court.

Industrial Court and Labour Courts under the Bombay Industrial Relations Act, 1946

The judicial machinery under the Bombay Industrial Relations Act, 1946, consists of a Court of Industrial Arbitration, commonly known as the Industrial Court, and Labour Courts. Labour Courts, of which there are three in number, two at Bombay and one at Poona, are presided over by Labour Judges who are required to have the same qualifications as a civil judge. The Courts mostly deal with individual grievances and complaints under the Bombay Industrial Relations Act, 1946, and, in certain circumstances, they inflict penalties on persons committing offences under the Act. They also, as seen above, function under the Industrial Disputes Act, 1947. The Courts at Bombay have the assistance of a superintendent and a few other ministerial officers. The Court at Poona has the assistance of a clerk of the court and a few other ministerial officers. The Industrial Court consists of four members one of whom is the President. Persons who are or have been judges of a High Court or are qualified to be appointed as such and are not connected with any industry directly affected by a dispute may be members of the Court. The Court has original as well as appellate jurisdiction and, in addition, is

given special jurisdiction to declare illegal any proposed strike, lock-out, absence or stoppage on application by the State Government or to decide references by the State Government in regard to the application of a registered settlement, agreement or award as binding on other employees in the industry concerned in a particular local area. In its original jurisdiction the Industrial Court receives disputes jointly from employers and unions of employees, or from registered unions or from the State Government in specified circumstances. It may also be called upon to decide questions of law on reference by certain authorities functioning under the Act. The appellate jurisdiction of the Industrial Court extends to appeals against decisions of Wage Boards, Labour Courts, the Registrar of Unions and the Commissioner of Labour, including appeals against convictions by the Labour Courts and also, on application by the State Government, against acquittals. The Industrial Court has power to make regulations, consistent with the provisions of the Bombay Industrial Relations Act, 1946, and rules thereunder, to govern its procedure, and, unlike the regulations made by some other such bodies, these do not require the sanction of the Government. No order, decision or award of the Industrial Court may be called in question in any civil or criminal court. Contempts of the Court, in certain respects, along with those of the Labour Courts, are made punishable, and in certain other respects, may be reported to the High Court for action as if they were contempts of the High Court itself. The Industrial Court is assisted by a Registrar, a Deputy Registrar and an Assistant Registrar, who have under them twenty-five ministerial officers, including a bailiff.

Industrial Courts under the Central Provinces and Berar Industrial Disputes Settlement Act

Under the Central Provinces and Berar Industrial Disputes Settlement Act, 1947, there is a State Industrial Court with jurisdiction over the Vidarbha area, with headquarters at Nagpur. Its jurisdiction is similar to that of the Industrial Court at Bombay. The President and members of the Industrial Court at Bombay are, in addition to their duties, the President and Members of the State Industrial Court, Nagpur, and, in addition, there is one special member stationed at Nagpur. The staff of the State Industrial Court consists of an Assistant Registrar, and a few ministerial officers. Under the State Industrial Court comes the District Industrial Court, Nagpur, presided over by a judge taken from the cadre of Civil Judges. This Court has power to hear and adjudicate upon (a) any industrial dispute arising within its jurisdiction which may be referred to it by the Labour Commissioner or the Labour Officer, (b) the propriety or legality of a standing order or its application and interpretation, (c) the legality of any strike or lock-out or of any notice of change relating to an industry within the local area of the Court's jurisdiction, (d) an application in revision, and (e) any industrial dispute either referred to the Court by the State Government or transferred to it. The District Industrial Court is assisted by a few ministerial officers.

The Commissioner for Workmen's Compensation, Bombay

Under the Workmen's Compensation Act, a whole-time judicial officer has been appointed to carry out the functions of the Commissioner for Workmen's Compensation in Bombay, with jurisdiction over Greater Bombay, the Western and Central Railway lines and the Hydro-Electric Companies under the management of the Tata Hydro-Electric Agencies Ltd. in Maharashtra State. In Poona the Judge, Labour Court, functions as *ex-officio* Commissioner for Workmen's Compensation. In other areas, the functions of a Commissioner under the Workmen's Compensation Act are entrusted to twenty-eight Civil Judges who are notified as *ex-officio* Commissioners. Except for submitting certain statistical returns to the Commissioner for Workmen's Compensation, Bombay, the *ex-officio* Commissioners are entirely independent authorities. The Commissioner for Workmen's Compensation, Bombay, is, however, entrusted with certain administrative responsibilities for the whole State in respect of recovery, deposit and disbursement of compensation payable by insurers and other firms having their head offices in Bombay City. The Commissioner for Workmen's Compensation, Bombay, also functions in Greater Bombay as Authority under the Payment of Wages Act and as Authority under the Minimum Wages Act. In other areas these functions are entrusted to Civil Judges who perform them in addition to their other judicial duties. The Commissioner also functions as Judge of the Employees' Insurance Court constituted under the Employees' State Insurance Act in Greater Bombay and Bassein, Thana, Kalyan, and Bhiwandi Talukas of Thana District. The Employees' Insurance Court also functions as the Appeal Tribunal under the Employees' State Insurance (General) Regulations. The Commissioner for Workmen's Compensation, Bombay, is assisted by three Additional Commissioners. His office consists of a Registrar and an Additional Registrar of gazetted rank, an office superintendent, three judicial clerks, twenty-two other ministerial officers and three bailiffs.

Motor Accidents Claims Tribunal

For the purpose of deciding applications for compensation arising out of motor accidents, a one-man Tribunal, presided over by a former Chief Presidency Magistrate has been appointed under the Motor Vehicles Act, 1939.

The Sales Tax Tribunal

The Sales Tax Tribunal is constituted under the Bombay Sales Tax Act, 1959, to hear appeals against assessments made or orders passed by certain authorities under that Act to the exclusion of the jurisdiction of the ordinary courts. Where an appeal lies in the first instance to a specified officer appointed under the Act, a second appeal lies in specified circumstances to the Tribunal or an application may be made for revision. Under the Act, the Tribunal

may consist of as many members as the Government thinks fit, one of the members being appointed to be the President. The qualifications and term of office of members of the Tribunal are also prescribed by the Government by rules made under the Act. The functions of the Tribunal may be discharged by one or more Benches thereof, each Bench consisting of two or more members. The Tribunal is empowered to make regulations, with the previous sanction of the State Government, to regulate its procedure. At present the Tribunal consists of a President and four members, and divides into two Benches for discharging its functions. The Benches sit for three weeks in a month each, either at Bombay or at divisional headquarters (Nagpur, Poona and Aurangabad), but special dates in between the normal sessions may be fixed for hearing complicated cases which require lengthy arguments. The President of the Tribunal is a retired judicial officer and one of the members is a serving district judge. The President and the members are remunerated by honoraria, except for the district judge, who draws a salary. The Tribunal has the powers of a civil court for the purpose of recording evidence, summoning witnesses and compelling the production of documents. Parties in proceedings before the Tribunal may be represented by relatives or regular employees authorised in writing by them or by legal practitioners or chartered accountants who are not under a disability imposed by the Act for certain misdemeanours or by qualified sales tax practitioners who are enrolled in a list maintained by the Sales Tax Department and are not disqualified. Decisions of the Tribunal are final, but it is open to an aggrieved party to require the Tribunal to refer to the High Court any question of law arising out of the order of the Tribunal. If the Tribunal agrees, it has to draw up a statement of the case and refer it to the High Court. An application may be made to the High Court against a refusal by the Tribunal to state a case and the High Court can, if not satisfied as to the correctness of the decision of the Tribunal, require the Tribunal to state the case and refer it. The High Court can also, if not satisfied that a statement of the case by the Tribunal is sufficient to enable it to determine the question raised, refer the case back to the Tribunal to make such additions or alterations as the High Court may direct. The Tribunal is also entrusted with the function of hearing appeals as the prescribed appellate authority under related legislation, such as the Bombay Sales of Motor Spirit Taxation Act, 1958, and the Maharashtra Purchase Tax on Sugarcane Act, 1962. The Tribunal is assisted by a whole-time Registrar, who is deputed for service under the Tribunal from the cadre of Sales Tax Officers, Grade III, and twenty-four ministerial officers.

The Maharashtra State Cooperative Tribunal

Under the provisions of the Maharashtra Cooperative Societies Act, 1960, a Tribunal has been constituted called the Maharashtra State Cooperative Tribunal. Earlier legislation replaced by that Act also provided for such a tribunal. It consists of a President and not more than three other members

possessing such qualifications as may be prescribed. The present number of members is two. The President is a retired judicial officer. The President and members are remunerated by the payment of an honorarium. The powers and functions of the Tribunal may be exercised and discharged by Benches of not less than two members constituted by the President, provided that interlocutory applications may be heard by one or more members who may be present. Subject to the previous sanction of the State Government, the Tribunal is competent to make regulations for regulating its procedure and the disposal of business. The Tribunal sits at Bombay but it may also sit at regional headquarters for the convenience of the parties. Appeals lie to the Tribunal against orders of the Registrar of Cooperative Societies in certain respects, such as enforcing the performance by a cooperative society or a class of societies of its obligations, apportioning costs of enquiries and inspections, assessing damages against delinquent promoters or ordering payment of compensation to a society. Appeals also lie against awards of the Registrar or his nominees in disputes referred to them in respect of the constitution, election of office bearers, conduct of general meetings or the management or business of a society and also against orders of precautionary attachment of property before an award is made. The Tribunal has the powers of a civil court in respect of (a) proof of facts by affidavit, (b) summoning and enforcing the attendance of any person and examining him on oath, (c) compelling discovery or production of documents and (d) issuing commissions for the examination of witnesses. It may call for and examine the record of any proceeding in which an appeal lies to it for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and, if it appears that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it deems just. It may, in order to prevent the ends of justice being defeated, make such interlocutory orders pending the decision of an appeal as may be considered just and convenient or such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Tribunal. The Tribunal may review its own order in any case on application within a prescribed period and pass in reference thereto such order as it thinks fit. An order of the Tribunal in appeal or in revision is final and conclusive and may not be called in question in any civil or revenue court. Matters within the jurisdiction of the Tribunal are excluded from the jurisdiction of civil or revenue courts. The Tribunal has the assistance of a Registrar who is of the grade of Assistant Registrar of Cooperative Societies and a small ministerial establishment.

Mamlatdars' Courts

Under the Mamlatdars' Courts Act, 1906, every revenue officer of the rank of mamlatdar, mahalkari, tahsildar or naib tahsildar and every other person specially authorised by the State Government to exercise the powers of a mamlatdar under the Act is appointed to preside over a court called the

Mamlatdar's Court with the power, on application by an interested party, to (a) remove or cause to be removed any impediment wrongfully erected to the natural flow in a defined channel of any surface water naturally rising in or falling on agricultural land, where such impediment is likely to cause damage to such land; and (b) give immediate possession of lands or premises used for agricultural purpose or restore use of water from a tank, well, canal or water course to any person who has been wrongly dispossessed or deprived thereof or who has become entitled thereto by reason of the determination within a specified period before the relief is claimed of any tenancy or other right of any other person excepting a former owner or part-owner. The Mamlatdar has discretion to refuse to exercise his power in certain circumstances for reasons to be recorded in writing. A Mamlatdar's Court may issue an injunction against a person who is erecting or has erected an obstruction or is disturbing possession or obstructing the exercise of an established right, and has power to summon witnesses. The Collector may, after due notice to the parties, by order in writing transfer any suit from any Mamlatdar's Court to any other in his district. Every order of the mamlatdar has to be read out in open court and brief reasons for the order are required to be recorded. No appeal lies from any order passed by a mamlatdar under the Act, but the Collector or an Assistant or Deputy Collector to whom the power is delegated by the Collector may call for and examine the record of any suit and, if he considers the proceedings, finding or order to be illegal or improper, he may, after due notice to the parties, pass such order thereon, not inconsistent with the Act, as he thinks fit. Where the Collector, Assistant Collector or Deputy Collector takes such action, he is deemed to be a Court under the Act. No suit lies under the Act against the Government or against any officer of the Government in respect of an act done in his official capacity. No suit also lies in respect of any matter which has been the subject of previous proceedings in a civil court to which the plaintiff or his predecessor in interest was a party. Recourse to a civil court in lieu of, or in addition to, proceedings before a Mamlatdar's Court is not barred and, to that extent, the Mamlatdar's Court constitutes a means of obtaining speedy executive action after enquiry as an alternative to the establishment of a right in a civil court.

Tribunals under Bombay Municipal Corporation Act

Under the Bombay Municipal Corporation Act, for the purposes of the acquisition of land under a compulsory acquisition order issued in pursuance of powers given to the Municipal Corporation in connection with improvement or slum clearance or development schemes, the functions of a court under the Land Acquisition Act, as applied to such acquisition of land, are to be performed by a Tribunal consisting of a President and two assessors. The President is one of the judges of the Bombay City Civil Court selected for the purpose by the State Government after consultation with the High Court, and the assessors are appointed by the State Government. The

remuneration of the assessors is fixed by the State Government and paid by the Municipal Corporation. The procedure of the Tribunal is to be regulated by rules not inconsistent with the provisions of the Code of Civil Procedure, 1908, made by the State Government and the President is given the power of a civil court to obtain proof of facts by affidavits, summon witnesses and enforce their attendance, compel the production of documents, and issue commissions for the examination of witnesses. Decisions on all questions of law and procedure rest solely with the President who may also dispense with the presence of the assessors in trying and deciding questions relating to the determination of the persons to whom compensation is payable or the apportionment of compensation. Subject to this, in the event of disagreements within the Tribunal, the opinion of the majority prevails. Awards of the Tribunal are deemed to be awards of a court under the Land Acquisition Act and are final, but it is open to the President in any case to certify that it is a fit one for appeal and, when he so certifies, an appeal lies to the High Court from the award or any part of the award of the Tribunal.

Tribunal under the Hyderabad District Municipalities Act, 1956

For the purpose of trying election petitions relating to elections to municipalities constituted under the Hyderabad District Municipalities Act, 1956, as applicable in the Marathwada area of the State, the State Government is required to appoint Election Tribunals consisting of persons who are or have been High Court Judges or are eligible to be appointed as such. An Election Tribunal has the powers of a civil court for all essential purposes. Appeals against orders of Election Tribunals lie to the High Court and must be heard by benches consisting of not less than two judges. Orders of Election Tribunals not appealed against and orders of the High Court, where appeals are made, are final and conclusive.

Tribunal under the Nagpur Improvement Trust Act, 1936

Under the provisions of the Nagpur Improvement Trust Act, 1936, a Tribunal has been established to perform the functions of a Court for the purpose of disposing of references under the Land Acquisition Act, 1894, in regard to compulsory acquisition of land, and also to settle disputes as to compensation payable by the Trust under certain provisions of the Nagpur Improvement Trust Act, 1936, or as to the amount of betterment contribution payable to the Trust. The Tribunal consists of a President and two Assessors. The President is appointed by the State Government. He may be a serving civil judge of ten years' standing who has held rank not below that of Civil Judge, Senior Division, or a legal practitioner of not less than ten years' standing. The two Assessors are required to possess such qualifications as the State Government may prescribe by rule. One of them is appointed by the State Government and one by the Nagpur Municipal

Corporation. The members of the Tribunal serve for a term of two years, but are eligible for re-appointment. They may be remunerated either by way of monthly salary or by way of fees, or partly in one of these ways and partly in the other, as the State Government may by rule provide. The President fixes the number and grade of the staff to be employed by the Tribunal, subject to the previous sanction of the State Government. The procedure of the Tribunal is regulated by rules made by the State Government. Certain matters may be tried and decided by the President in the absence of the Assessors and decisions of the President so taken are deemed to be the decisions of the Tribunal. Questions regarding the measurements of lands, the amount of compensation or the amount of costs are determined, in cases of disagreement, by majority vote. In matters of law and procedure the opinion of the President prevails. The awards and decisions of the Tribunal are conclusive and not open to question in any court.

Tribunals under Bombay Housing Board Act, 1948

Under the provisions of the Bombay Housing Board Act, 1948, when any question arises of (a) payment of compensation (i) in respect of land belonging to a local authority which is taken over by the Housing Board for a housing scheme, or (ii) in respect of the permanent closure, diversion or discontinuance of the public use of any public street by the Board without providing alternative means of access or (iii) in respect of adverse effects of reconstitution of plots covered by a housing scheme; or (b) the assessment of betterment charges on account of increased values of lands benefited by the making of a housing scheme, a reference has to be made to a tribunal consisting of a President and two assessors. The President of the tribunal in Greater Bombay is such judge of the Bombay City Civil Court as may be selected by the State Government and outside Greater Bombay the District Judge. The assessors are appointed by the State Government. The remuneration of the assessors is to be fixed by the State Government and paid by the Housing Board. The tribunal is bound on questions of law by the opinion of the President. On questions of fact the majority opinion prevails. The tribunal has the powers of a civil court for purposes of recording and receiving evidence, summoning witnesses, compelling the production of documents and issuing commissions for the examination of witnesses. In certain respects the decisions of the tribunal may be enforced as if they were decisions of the Bombay City Civil Court or the District Court as the case may be. The decisions are final and may not be questioned in any court of law.

Boards of Appeal under Bombay Town Planning Act, 1954

Under the Bombay Town Planning Act, 1954, certain decisions of the Town Planning Officer appointed to work out the details of a draft town planning scheme, relating to estimation of sums payable as compensation or

as contribution, grant of exemptions from payment of contribution, estimation of increments in value of plots included in the scheme, the rate of levy on such increments and the amounts finally payable to or by each plot-holder, and the transfer of rights in original plots to reconstituted plots, are made subject to appeal. Appeals are to be submitted to the Principal Judge of the Bombay City Civil Court in respect of town planning schemes in Greater Bombay and to the District Judge in respect of such schemes elsewhere. A Board of Appeal has to be constituted by the judge concerned for all appeals in respect of a particular scheme submitted within a month of the communication to the party concerned of the decision of the Town Planning Officer which is not acceptable. The President in Greater Bombay is the Principal Judge of the Bombay City Civil Court or such other judge of that Court as may be appointed by the State Government on the recommendation of the Principal Judge. Outside Greater Bombay the District Judge is the President of the Board. The President appoints the two assessors who are to sit with him on the Board. An assessor may be removed by the State Government for good and sufficient reason and, in that event, or if an assessor dies or resigns or refuses or neglects to act or becomes incapable of acting, another is to be appointed by the President in his place. The Town Planning Officer is required to be present at the proceedings of the Board of Appeal and to assist it in an advisory capacity, but cannot be required to give evidence. The Board may sit at the headquarters of the President or at such other places as the President may deem convenient. Parties may appear in person or through a recognised agent. All questions of law and procedure are to be decided by the President and all other questions by all the three members of the Board or a majority of them. Every decision of the Board is final and conclusive and is binding on all persons, but the Board is expressly declared not to be a court. The remuneration of the assessors is to be fixed by the State Government and all expenses in relation to the Board are to be defrayed by the local authority making the town planning scheme and form part of the costs of the scheme.

Tribunals of arbitration for certain universities

Under the law relating to certain Universities in the State tribunals of arbitration may be appointed to decide disputes arising out of contracts between the University concerned and any officer or teacher of the University on the request of the officer or teacher concerned. Such tribunal consists of one member appointed by the Executive Council or equivalent authority of the University, one member appointed by the officer or teacher concerned and an umpire appointed by the Chancellor of the University. The tribunal is deemed to be an arbitrator appointed under the Indian Arbitration Act, 1940, and the provisions of that Act apply to its proceedings. The decision of the tribunal is final and no suit lies to any civil court in respect of a matter decided by it.

Panchayats under certain Municipal Acts

Under the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, if a dispute arises between a municipality constituted under either of these Acts and another party in regard to any compensation or damages which are payable under the Acts, the dispute is to be referred to a *panchayat* of five persons, two nominated by the municipality, two by the other party and one, who is the *sar-panch* or chairman, by the four members already appointed. If either or both parties fail to appoint members or if the members of the *panchayat* fail to select a *sar-panch* within one month, such members as may be necessary to constitute the *panchayat* are to be appointed by the District Judge of the district in which the municipality is situated at the instance of either party. If the *panchayat* fails to give its decision within a month of the constitution of the full *panchayat*, the matter may be taken by either party before the District Court which is authorised to give a decision, including the apportionment of the costs of the proceedings.

CHAPTER TWENTY-FIVE

LAW OFFICERS OF GOVERNMENT

Law Officers as part of the machinery for administration of justice

The Law Officers employed by the State Government cannot be said to form part of the judicial machinery of the State. Nevertheless it is appropriate to include a description of their functions here, since they are mainly concerned with the representation of the Government in proceedings in the courts and, in a real sense, are officers of the courts as much as agents of one of the parties to the proceedings.

Law officers at headquarters

At headquarters (which for this purpose includes Nagpur so far as the Bench of the High Court which sits there is concerned) the principal law officers of Government, in addition to the Legal Remembrancer to Government, who is also Secretary to Government, Law and Judiciary Department, and whose functions are described in Chapter 4 are the following :

- (a) The Advocate General;
- (b) The Government Pleader, High Court, Bombay, and the Additional Government Pleader, High Court, Nagpur;
- (c) The Solicitors to Government;
- (d) The Public Prosecutor for Greater Bombay;
- (e) The Government Pleader, City Civil Court, Bombay;
- (f) The Government Pleader, Small Causes Court, Bombay.

The Advocate General

The functions of the Advocate General which have been prescribed in the Constitution and which do not relate to proceedings in the courts have been mentioned in Chapter 3. So far as proceedings in the courts are concerned, his main duty is to represent the Government in all suits and proceedings on the Original side of the High Court. He may be required to appear on behalf of the Government in any original case, civil or criminal, which the High Court transfers from a lower court for trial by itself, in an appeal against the judgement of a judge of the High Court exercising jurisdiction on the Original side, in an appeal from a decision of a Presidency Magistrate, in any proceedings before a Special Bench of the High Court in its Appellate or revisionary jurisdiction and also in proceedings before the Supreme Court. In

the case of original criminal proceedings tried before the High Court, he has discretion to prosecute as leading counsel or may be required by the Government to do so. The Advocate General is remunerated partly by a fixed salary and partly in the form of fees for appearing in certain categories of cases. Subject to certain restrictions he is permitted to appear for or to advise parties other than the Government. He is given a fixed monthly allowance, in addition to his salary, for the maintenance of an office.

The Government Pleader, High Court, Bombay, and Additional Government Pleader, High Court, Nagpur

The Government Pleader, High Court, at Bombay has the duty of appearing on behalf of the Government in civil proceedings on the Appellate side of the High Court and also of appearing in proceedings against legal practitioners for misconduct. In criminal proceedings, the Government Pleader is appointed as Public Prosecutor for the purpose of representing Government in criminal cases coming before the High Court on its Appellate side, including cases submitted to the High Court for confirmation of sentences of death. Though his duties are normally restricted to the High Court, he may be required, if his services can be spared without inconvenience to the High Court, to appear in any case, whether civil or criminal, in any court in the mofussil. The Government Pleader may also be asked to advise on any matter which the Legal Remembrancer to Government may refer to him, and also to advise district officers in respect of any proceedings, whether civil or criminal, which he has, or may have, to conduct. The Government Pleader has the assistance of an Additional Government Pleader, five Assistant Government Pleaders and two Honorary Assistants to the Government Pleader, and he may entrust the conduct of cases to his assistants, provided that he himself conducts all important criminal cases and all civil cases involving more than Rs. 2000/-. He also has the assistance of thirty-eight ministerial officers. At Nagpur the functions of the Government Pleader are performed by the Additional Government Pleader, assisted by two Assistant Government Pleaders, the Honorary Assistant to the Additional Government Pleader and seven ministerial officers. The Government Pleader, High Court, Bombay, and Additional Government Pleader, High Court, Nagpur, are allowed a salary and are also entitled to fees on a prescribed scale. Their Assistants are remunerated by fees. They may, subject to certain restrictions, undertake private legal practice.

The Solicitors to Government

The Solicitors to Government are a firm of attorneys in Bombay who discharge all the duties of an attorney and solicitor for the State Government and for officers of the State Government in matters which are likely to lead to litigation in the High Court except in regard to charity suits. They prepare briefs, retain and instruct counsel, look after all proceedings in which the

State Government or any officer of Government is concerned or interested and also any appeals arising from such proceedings, give advice as regards matters which may lead to litigation, appear on behalf of the State Government in all revenue cases arising in Greater Bombay and handle appeals in such cases. They are paid a fixed monthly remuneration and, in addition, are entitled to receive all costs awarded by the court in cases in which the Government wholly or partially succeeds and all out of pocket expenses.

The Public Prosecutor for Greater Bombay

The Public Prosecutor for Greater Bombay has to conduct criminal cases in the City Sessions Court and the courts of the Presidency Magistrates. He is assisted by three Additional Public Prosecutors to whom he may entrust the actual conduct of less important cases, and a few ministerial officers. The Public Prosecutor is remunerated by a salary and by fees. His assistants are remunerated by fees.

The Government Pleader, City Civil Court, Bombay

The Government Pleader, City Civil Court, represents the State Government in civil proceedings in that Court. He is assisted by two Assistant Government Pleaders and a few ministerial servants. He is remunerated by a salary and by fees. His assistants are remunerated by fees.

The Government Pleader, Small Causes Court, Bombay

The Government Pleader, Small Causes Court, Bombay, represents the State Government in civil proceedings in that Court. He is remunerated by a salary and by fees. He is given a fixed monthly allowance for the maintenance of an office.

Law officers in the districts

Outside Greater Bombay, each district has at headquarters a District Government Pleader who is also Public Prosecutor. He is assisted by Assistant Government Pleaders and Assistant Public Prosecutors, and Honorary Assistants, the number varying from district to district according to the volume of work. In one district there is an Additional District Government Pleader and Additional Public Prosecutor. Clerical assistance is provided from the establishment of the District Judge. Outside headquarters, there is a Subordinate Government Pleader at each taluka or tahsil headquarters where there is a civil court. The District Government Pleader appears for the Government or any officer of the Government in suits and civil proceedings and also, when directed by the District Judge, in certain other proceedings. He may also be required by the Remembrancer of Legal Affairs to appear in any suit or proceeding wherever the nominal party on whose behalf he is called upon

to appear may be. As Public Prosecutor, he is required to conduct prosecutions in every trial before a Court of Sessions and to appear in all appeals. He may also be required to appear in criminal proceedings before lower criminal courts. The Assistant Government Pleaders and Assistant Public Prosecutors appear in such cases as may be entrusted to them by the District Government Pleader and District Public Prosecutor. In addition to participation in proceedings before the courts the District Government Pleader and District Public Prosecutor is responsible for giving legal advice to all local officers in matters concerning Government business of any kind. Subordinate Government Pleaders are required to appear on behalf of the Government or an officer of the Government in proceedings in the civil courts for which they are appointed, unless, owing to the difficulty and importance of a case, the District Government Pleader appears in the case. They are also required to appear in the execution of commissions for the examination of witnesses, and may be required by the District Government Pleader to appear in any other civil proceedings. They may also be required by the District Magistrate to appear in criminal proceedings in courts at or near the headquarters of the civil courts to which they are appointed. District Government Pleaders and District Public Prosecutors are remunerated by a fixed salary as well as fees. The law officers subordinate to them are remunerated by fees.

Law Officers for Maharashtra Revenue Tribunal

For representing the State Government in proceeding before the Maharashtra Revenue Tribunal there are Special Government Pleaders at Bombay, Nagpur, Poona and Aurangabad. The Special Government Pleaders appear on the instructions of the Divisional Commissioners concerned. They are required to report on decisions wholly or partially adverse to the Government and advise whether a review should be applied for and, thereafter, if so instructed, draft the review application and present it to the Tribunal. The Special Government Pleader at Bombay has the assistance of a clerk and a peon. Those at other places have no staff under them. They are remunerated by fees.

PART VII

THE STATE LEGISLATURE

CONSTITUTION OF AND ELECTIONS TO STATE LEGISLATURE

Houses of the Legislature

As mentioned in Chapter 2, the Legislature of the State consists of the Governor and two Houses, the Legislative Council and the Legislative Assembly. The Constitution, however, provides that, if the Legislative Assembly passes a resolution by a majority of the total membership and by a majority of not less than two thirds of the members present and voting to the effect that the Legislative Council be abolished, Parliament may by law provide for the abolition of that body and, thereafter, the Legislature of the State will consist of one House only.

Composition of Council

The Legislative Council at present consists of 78 members, of whom 30 are elected by members of the Legislative Assembly from amongst persons who are not members of that body, 22 are elected by single-member constituencies consisting of local authorities grouped on a territorial basis, 7 are elected by three constituencies consisting of graduates, 7 are elected by two constituencies consisting of teachers and 12 are nominated by the Governor from among persons who have special knowledge or practical experience in respect of literature, science, art, cooperative movement or social service. Members of the Council of Ministers, even if they are not members of the Legislative Council, and the Advocate General have the right to speak in, and otherwise take part in the proceedings of, that House, but are not entitled to vote unless they are members.

Term of members of Council

The Legislative Council is not subject to dissolution, but every second year as nearly as may be one-third of its members retire, each member thus having a term of six years.

Composition of Assembly

The Legislative Assembly consists at present of 265 members, of whom 264 are elected by single-member territorial constituencies, and one member is nominated by the Governor to represent the Anglo-Indian community. There are 24 members from Greater Bombay and 4 to 16 members, according to population, from each of the other twenty-five districts. In 33 constituencies, the seats allotted are reserved for the election of members belonging to the Scheduled Castes and in 14 constituencies the seats allotted are reserved for

the election of members belonging to the Scheduled Tribes. These reservations, as well as the Governor's power of nomination of a representative of the Anglo-Indian community, are due to lapse in 1970, though the members then sitting will continue until the next general elections. After every census, the number of members and delimitation of constituencies is liable to be changed so as to ensure an equitable allotment of seats with due regard to changes in the distribution of population. The readjustment is made by special authorities set up under law made by Parliament; such a readjustment is due before 1967. As in the case of the Legislative Council, members of the Council of Ministers, even if they are not members of the Legislative Assembly, and the Advocate General have the right to speak in, and otherwise take part in the proceedings of, that House, but are not entitled to vote unless they are members.

Term of Assembly

The Legislative Assembly has a term of five years from its first meeting after a general election, but it may be dissolved earlier by the Governor. The expiration of five years operates automatically as a dissolution of the Assembly. No extension of the term laid down in the Constitution is permissible except while a Proclamation of Emergency under article 352 of the Constitution is in force, when Parliament may by law extend the term by a period not exceeding one year at a time, but not extending in any case beyond six months after the Proclamation ceases to operate. A dissolution of the Legislative Assembly is followed by a general election. A casual vacancy caused by death, resignation or removal is filled for the unexpired term of the member concerned by holding a by-election from the constituency represented by that member.

Suspension of Council and Assembly

During the operation of a Proclamation by the President under article 356 of the Constitution in case of failure of constitutional machinery in the State, the powers of the State Legislature are exercised either by Parliament or, if so empowered by Parliament by law, by the President or a delegate of the President. The powers of the State Legislature automatically revive when the Proclamation ceases to operate.

Qualifications of members of Council and Assembly

Subject to certain disqualifications, every citizen of India who is not less than twenty-five years of age in the case of the Legislative Assembly and not less than thirty years of age in the case of the Legislative Council may be a member of the Assembly or Council. The holding of an office of profit under the Government of India or any State Government debars a person from being a member, unless the office is expressly declared by the State Legislature by law not to disqualify the holder. For this purpose membership of the

Council of Ministers is not counted as holding an office of profit under the Government.

Presiding authorities

The Legislative Council is presided over by a Chairman, elected by the members from among themselves and holding office so long as he continues as a member. The members of the Council are also required to choose another member as Deputy Chairman, who is empowered to perform the functions of the Chairman in his absence. Similarly, the Legislative Assembly is presided over by a Speaker elected by the members from amongst themselves, and the members are also required to elect a Deputy Speaker. The Chairman and the Speaker, or persons acting as such, do not vote during proceedings in the House over which they are presiding, unless there is an equality of votes, when they may exercise a casting vote.

Election Commission

The conduct of elections to the State Legislature, including by-elections, like the conduct of those to Parliament, is placed by the Constitution under the control of an Election Commission, consisting of a Chief Election Commissioner, and such number of other Election Commissioners as the President may from time to time fix. At present the Commission consists of a single Commissioner appointed by the President as Chief Election Commissioner. Under the Constitution it is permissible for the President to appoint Regional Commissioners after consultation with the Election Commission to assist the Commission in respect of particular general elections to the Legislative Assembly and particular biennial elections to the Legislative Council, but no such appointments have hitherto been made.

Election Machinery at State Level

The machinery at the State level for the conduct of elections, including the preparation and revision of the electoral rolls, consists of officials of the State Government who are made available to the Election Commission for the purpose. Usually a senior officer in the State Secretariat functions under the Election Commission as the Chief Electoral Officer and he supervises the preparation and revision of electoral rolls and the conduct of elections. A single electoral roll arranged in suitable territorial sections (arrangement by community or religion is forbidden, but voters belonging to the Scheduled Castes or the Scheduled Tribes are suitably distinguished) serves for elections both to the House of the People and the State Legislative Assembly. Each constituency for the House of the People consists of a specified number of contiguous constituencies for the State Legislative Assembly. Constituencies for the State Legislative Assembly follow the administrative and local

government divisions in the State, and the electoral rolls are generally used as the basis for elections to local authorities as well.

Electoral Registration Officers

For each territorial constituency there is an Electoral Registration Officer appointed by the Election Commission in consultation with the State Government. Generally officers of the rank of Deputy Collector serving in the area concerned are appointed. These Electoral Registration Officers are assisted by officers of the rank of Mamlatdar. Electoral rolls are revised every year, but only one-third of the rolls are thoroughly reconstructed in each year through house to house checks and enumeration by special staff. The remaining rolls are merely brought up to date without detailed scrutiny. Opportunity is given by preliminary publication for objections and claims to be submitted, whether the rolls have been intensively revised or not, and corrections and additions are made under the directions of the Electoral Registration Officers before final publication. There are separate Electoral Registration Officers for constituencies for elections to the Legislative Council. In the case of local authorities' constituencies the electoral rolls are compiled from information available with the Departments of Government concerned. In the case of constituencies for graduates and teachers they are compiled on the basis of claims for enrolment received in response to public notices. The list of members of the Legislative Assembly serves as the electoral roll for the election of members of the Legislative Council by the Assembly.

Returning Officers for territorial constituencies

For the conduct of elections, on the issue of notifications by the President or the Governor, as the case may be, calling upon the constituencies to elect members to the House of the People or the Legislative Assembly, an officer of the rank of Collector is generally appointed as Returning Officer for each constituency for the House of the People and an officer of the rank of Assistant or Deputy Collector is similarly appointed for each constituency for the Legislative Assembly. These officers are appointed by the Election Commission in consultation with the State Government. The Returning Officers make arrangements for setting up polling stations. They are responsible for scrutinising the nomination papers of candidates and conducting the elections with the assistance of polling staff, which is generally drawn from offices and departments of the Central and State Governments in the constituencies and of local authorities. In Greater Bombay generally the voting is completed in all constituencies in a single day. In the districts, the voting may be staggered over several days, voting taking place for a group of constituencies on each day, with an interval to enable the polling staff to move from one set of constituencies to another. Counting of votes for each constituency is centralised under the direct control of the Returning Officer who declares the result as

soon as counting is completed and issues a certificate of election to the successful candidate. In the case of by-elections, it is the Election Commission, and not the President or the Governor, which issues a notification calling upon the electorate to fill the vacancy and, thereupon, the same procedure is followed as in a general election.

Returning Officers for Elections to Legislative Council

For elections to the Legislative Council, the Commissioners of Divisions are generally appointed as Returning Officers for the graduates', teachers' and local authorities' constituencies, and the Personal Assistants to the Collectors of each district are generally appointed as Assistant Returning Officers. Voting is in person, polling stations for the graduates' and teachers' constituencies being set up at taluka headquarters, and those for the local authorities' constituencies at the offices of the various local authorities. The Returning Officer for the election of members of the Legislative Council by members of the Legislative Assembly is the Senior Deputy Secretary of the Maharashtra Legislature.

Election Tribunal

Disputes about elections can be raised in the form of election petitions only after the elections are completed. The petitions are submitted to the Election Commission, which, if it is satisfied that a *prima facie* case exists, may refer it to an Election Tribunal constituted by the Commission. The Tribunal may consist of a District Judge from the State concerned selected in consultation with the High Court or, in important cases, it may consist of a High Court Judge. Appeals against an order of an Election Tribunal may be submitted to the High Court, whose decision is final.

CHAPTER TWENTY-SEVEN

FUNCTIONS OF STATE LEGISLATURE AND LEGISLATIVE POWERS
OF GOVERNOR*Functions of Legislature not only legislative*

The functions of the State Legislature relate not only to the enactment of legislation but also to general supervision of the Executive, which is accountable to the Legislative Assembly through the Council of Ministers, and to voting grants and supervising their utilisation. In all these respects the functions and powers of the two Houses of the Legislature are not altogether uniform.

Legislative functions

Legislation is considered and passed in the form of Bills. No Bill can become law unless it has been passed or is deemed to have been passed by both Houses of the Legislature. The procedure to be followed differs in the case of Money Bills from that followed in the case of Bills relating to other matters. A Money Bill is one which contains provisions dealing exclusively with the imposition, abolition, remission, alteration or regulation of any tax, regulation of borrowing or the giving of a financial guarantee by the State, financial administration, including the appropriation of moneys out of the Consolidated Fund of the State, and the imposition of a charge on the State revenues in respect of specified expenditure. A Money Bill cannot be introduced in the Legislative Council and, in the Legislative Assembly, it can be introduced or moved only on the recommendation of the Governor. The same restriction applies to amendments relating to a subject falling in the definition of a Money Bill, unless the amendments make provision for the reduction or abolition of any tax. It will thus be seen that a Money Bill cannot even be considered by the Legislature except on the initiative of the Executive and cannot be passed except in a form acceptable to the Executive unless it be for a reduction or abolition of a tax. Such a Bill can, however, be rejected by the Legislative Assembly. After a Money Bill is passed by the Assembly it is sent to the Legislative Council for its recommendations. Any recommendation which the Council may make within fourteen days from the date of receipt of the Bill have to be considered by the Assembly, which may accept or reject them. The Bill, with such amendments as the Assembly may make, is deemed to have been passed by both the Houses. If the Council does not return the Bill to the Assembly with its recommendations within the period of fourteen days, the Bill is deemed to have been passed by both the Houses in the form in which it was passed by the Assembly. Bills other than Money Bills may be initiated in either House and may be sponsored by the Executive in the

form of a Bill published in the Official Gazette without formal leave to introduce or by a private member in the form of a motion for leave to introduce the Bill. Where a Bill would, if enacted and brought into operation, involve expenditure from the Consolidated Fund of the State, it cannot be passed by either House of the Legislature unless the Governor has recommended the consideration of the Bill. This ensures that no liability to incur expenditure is imposed by legislation not coming within the definition of a Money Bill without the express consent of the Executive. Bills other than Money Bills are not deemed to have been passed by the Legislature unless they have been agreed to by both the Houses either without amendments or with such amendments as are agreed to by both Houses. A Bill passed by the Legislative Council but rejected by the Assembly lapses; but a bill passed by the Assembly and rejected by the Council, or not passed by the Council within three months, or passed by the Council with amendments which are not acceptable to the Assembly, may be passed again by the Assembly with or without any of the amendments suggested by the Council and retransmitted to the Council. Thereupon, even if the Council does not pass the retransmitted Bill, it is deemed to have been passed by both the Houses of the Legislature. It will be seen that the role of the Council is purely advisory in respect of Money Bills; in respect of other Bills it normally has equal powers with the Assembly. Where there is irreconcilable difference of opinion, however, the opinion of the Assembly ultimately prevails.

Procedure in legislative matters

Legislation is passed after discussion on the floor of each House and every amendment has, ordinarily, to be formally adopted by the House, but in suitable cases detailed scrutiny of the legislation is entrusted to a Committee of either House or, in important cases, a Joint Committee of both the Houses. Each such committee is presided over by a member of the committee nominated by the Speaker or the Chairman, as the case may be. In the case of an official Bill, a Minister or a Deputy Minister is usually appointed to preside. Select Committees may examine witnesses or consider objections and suggestions from outside the Legislature. Reports of Select Committees are considered by the House concerned or, if it is a Joint Committee, by the House in which the Bill originated, and, for such consideration, the Bill before the House is in the form recommended by the Committee. Amendments may be moved on the floor of the House in a Bill as recommended by the Select Committee.

Supervisory functions

In the field of supervision over the Executive, the Legislature derives its functions from the fact that, under article 164(2) of the Constitution of India, the Council of Ministers is collectively responsible to the Legislative Assembly of the State, and can remain in office only so long as it retains the

confidence of the Legislative Assembly. Though there is no corresponding responsibility to the Legislative Council and, consequently, no provision exists for consideration by the Council of motions of want of confidence in the Ministry, the Council functions in the non-legislative field more or less on the same lines as the Assembly. The accountability of the Council of Ministers to the Legislature is secured mainly by requiring the Ministry to explain policies and answer criticism of its administration. Various means of securing this exist. First in importance is the discussion which takes place on the address which the Governor is required to make at the opening of the first session in each year. Then questions may be put by members which the Ministers are required to answer and, unless the question is put down for a written reply, supplementary questions may be put on the answers given. Time is reserved daily when the Legislature is in session for this purpose. Discussions may be raised on matters arising out of answers to questions or on matters of urgent public importance either on notices for raising a discussion or calling-attention notices or, in very important urgent matters, on motions for adjournment. Resolutions may be moved in which recommendations may be made for action by the Executive. Finally, motions of want of confidence in the Ministry may be moved in the Assembly. In addition to control through proceedings on the floor of either House of the Legislature, a certain amount of control is exercised through Committees of the Legislature. Apart from Committees dealing with finance and accounts, mention may be made of the Committees of each House on Government assurances, which scrutinise reports made by the Secretariat Departments regarding action taken on assurances given by Ministers to the Legislature, and the Joint Committee on Subordinate Legislation, which scrutinises the use made by executive authorities of the power conferred by certain statutes to make rules, regulations or by-laws in matters of detail.

Submission of reports etc. to Legislature

An important device for keeping the Legislature informed of the actions of the Executive or of statutory authorities exercising important functions is that of requiring reports to be laid before the Houses of the Legislature. These reports are discussed on motions for consideration. Another device which has been included in certain statutes is a requirement to secure the approval of the Legislature before action is taken by the Executive in specified matters or a requirement that rules or orders made by the Executive be laid before the Legislature which may modify or rescind them.

Financial functions

In the field of finance, control is exercised mainly by the Legislative Assembly, though a discussion on the budget is held both in the Council and in the Assembly. Under article 202 of the Constitution, the budget of the

State, consisting of a statement of the estimated receipts and expenditure for the ensuing financial year, has to be laid before each House of the Legislature. A discussion takes place on the budget and, thereafter, the estimates of expenditure, excluding expenditure which is declared by law to be a charge on the Consolidated Fund of the State, are submitted to the Legislative Assembly in the form of demands for grants, and the Assembly has power to assent, or to refuse to assent, or to give its assent subject to a reduction of the amount demanded. The grants made by the Assembly and expenditure shown in the budget statement as chargeable on the Consolidated Fund is then included in an Appropriation Bill which is introduced in the Assembly. No amendment may be made in this Bill which varies the amount or destination of a grant made by the Assembly in the earlier voting of demands or of an amount charged on the Consolidated Fund. A similar procedure has to be followed in respect of supplementary or additional expenditure arising in the course of the year to provide a new service or to cover expenditure in excess of the amount granted by the Appropriation Act. While the Legislative Assembly has power to determine the amounts to be provided in the Appropriation Act so far as expenditure subject to its vote is concerned, it has no discretion in respect of amounts provided to meet expenditure chargeable on the Consolidated Fund. The Executive has the final voice in determining such amounts. Instances of expenditure made chargeable on the Consolidated Fund by the Constitution are the emoluments and allowances of the Governor and other expenditure relating to his office, the salary and allowances of the Speaker and Deputy Speaker of the Legislative Assembly and the Chairman and Deputy Chairman of the Legislative Council, debt charges, salaries and allowances of Judges of the High Court, and expenditure of the State Public Service Commission. Several other items of expenditure are made chargeable on the Consolidated Fund by other legislation. The accounts of the State are placed before the Legislature with a report by the Comptroller and Auditor-General of India, and these accounts are scrutinised by a committee of the Legislature called the Public Accounts Committee. Further, since it is not possible for the Legislature to make a detailed scrutiny of the budget estimates when they are submitted for discussion and for assent to grants, another committee called the Estimates Committee makes a detailed examination of the estimates of a Department or group of Departments selected from time to time for the purpose. The work of these Committees is described in Chapter 19.

Governor's power of assent

As mentioned in Chapter 2, the main function of the Governor as part of the Legislature of the State is the giving of assent to Bills passed by the Legislature. No Bill can become law without the assent of the Governor or, when a Bill is reserved by the Governor for the consideration of the President, without the assent of the President. In the case of a Bill presented to the

Governor for assent, the Governor may assent to it or withhold his assent or reserve it for the consideration of the President.

Reservation of Bills for consideration of President

Reservation for the assent of the President is mandatory in the case of a Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which it is designed by the Constitution to fill. Reservation is also virtually mandatory in the case of a Bill providing for compulsory acquisition or requisition of property because no law made by the State Legislature in this respect has effect unless it has been reserved for the consideration of the President and has received his assent. Reservation is also usual, though not legally necessary, in the case of legislation in matters included in the Concurrent List.

Withholding of assent

Where the Governor withholds his assent, he may, except in the case of a Money Bill certified as such by the Speaker of the Legislative Assembly, return it with a message requesting the State Legislature to reconsider the Bill and, in particular, to consider the desirability of introducing such amendments as may be recommended in the message. The reconsidered Bill, if passed again by the State Legislature, with or without the amendments recommended, has to be assented to by the Governor. A Bill reserved for the consideration of the President and refused assent by him may similarly be returned to the State Legislature with a message by direction of the President, and such a Bill, if passed again by the State Legislature with or without amendment, has again to be presented to the President for his consideration. In this case, however, there is no obligation on the President to give his assent. It will be seen that refusal of assent by the Governor is absolute in the case of Money Bills. It is also absolute in the case of other Bills if he does not return them for reconsideration. If, however, he does return a Bill, he has to accept the Bill in the form in which it is passed again, even if it is contrary to the opinions expressed or recommendations made in his message. In the case of Bills reserved for consideration of the President, however, refusal of assent is absolute.

Governor's powers relating to proceedings of Legislature

The Governor has the power to summon and prorogue the Legislature and to fix the time and place of meeting. The Legislature continues in session until it is prorogued (different dates for meeting and prorogation may be fixed for each House of the Legislature) and the Governor may dissolve the Legislative Assembly at any time. A dissolution of the Legislative Assembly entails a fresh general election. The Governor may address either House of the Legislature or both Houses together, and may require the attendance of the

members for the purpose. He is required to do so at the commencement of the first session after a general election for the Legislative Assembly, and also at the commencement of the first session of each year thereafter. The Legislature is required to allot time for the discussion of the matters referred to in the address. The Governor may also send messages to either of, or both, the Houses of the Legislature in respect of a pending Bill or any other matter and the contents of the message have to be taken into consideration by the House or Houses addressed. The Governor appoints a member of the Legislative Assembly to perform the duties of the office of Speaker in the event of that office and that of Deputy Speaker being both vacant. In similar circumstances he appoints a member of the Legislative Council to perform the duties of the Chairman. Members of the Legislature take their oaths before the Governor or some person appointed by him, and the Governor is the final authority to decide as to disqualification of a sitting member for being a member of either House of the Legislature, though he is required to obtain the opinion of the Election Commission in the matter and act according to that opinion.

Independent legislative powers of Governor

At a time when one or other of the Houses of the Legislature is not in session the Governor is empowered to promulgate an ordinance having the force of law on any matter within the competence of the State Legislature, if in his opinion circumstances exist which necessitate immediate action. The only restriction is that he has to obtain the previous instructions of the President if the ordinance contains provisions which would have required previous sanction of the President or would have required to be reserved for the President's consideration if included in a Bill. An ordinance issued by the Governor has to be laid before the Legislature and ceases to have effect six weeks after the reassembly of the Legislature or on the passage of a resolution of disapproval by the Legislature if that is earlier. In respect of Scheduled Areas, the Governor is empowered to direct that any particular enactment either of Parliament or of the State Legislature which would otherwise be applicable shall not apply to a Scheduled Area or any part of a Scheduled Area, or shall apply subject to specified exceptions and modifications. The Governor is also empowered to make regulations for the peace and good government of a Scheduled Area having the force of law and prevailing over any existing law. These regulations, however, require the assent of the President.

CHAPTER TWENTY-EIGHT

SECRETARIAT OF STATE LEGISLATURE

Organisation of Legislature Secretariat

Article 187 of the Constitution of India provides for a separate Secretariat for the State Legislature. It is permissible to have separate staff for each House of the Legislature. In Maharashtra there is a combined staff under the joint control of the Speaker of the Legislative Assembly and the Chairman of the Legislative Council. Subject to any enactment by the State Legislature, the recruitment and conditions of service of persons appointed to the staff are regulated by rules made by the Governor after consultation with the Speaker and the Chairman. At the head of the Legislature Secretariat is the Secretary to the Maharashtra Legislature. He is assisted by two Deputy Secretaries, three Under or Assistant Secretaries and a Librarian and Research and Information Officer. The primary units of work are nine noting branches, each under a Superintendent, a Reporting Branch under a Chief Reporter, a Translation Branch under a Supervisor and a Library Section with a Deputy Librarian and Research Assistant. Of the noting branches, one handles questions put by members of the Legislative Assembly, one handles reports, etc. placed on the table of the Legislature, resolutions, motions, calling-attention notices, budget and cut motions, one handles work relating to the Estimates Committee and the Rules Committee, one handles work relating to the Public Accounts Committee, the Assurances Committees and all other committees, one deals with work relating to the Legislative Council, including legislation and questions in that House, one deals with establishment and one with general matters. In the Library Section, in addition to the usual work relating to the maintenance of the library, the staff provides for the use of members of the Legislature bibliographical notes on important bills and resolutions coming up before either House. The Translation Branch provides members with translations in Marathi and Hindi of all material submitted to either House by the Legislature Secretariat including questions and answers, agenda papers, reports of committees and bulletins.

Strength of staff

The non-gazetted staff of the Legislature Secretariat numbers about 170, including superintendents, reporters, assistants, clerks, stenographers, typists, translators, and a steward and record keeper. Additional staff numbering about 80 is engaged to cope with the extra work for the duration of sessions of the Legislature.

Relations with departments of State Secretariat

In its relations with the departments of the State Secretariat the Legislature Secretariat is treated in many respects as an independent organisation. In respect of several administrative matters, however, action has to be taken by the Executive and these matters are handled in the State Secretariat by the General Administration Department.

PART VIII

LOCAL SELF GOVERNMENT

GENERAL

Division of local authorities into urban and rural

Within the sphere of responsibility of the State Government it has always been recognised that there are certain functions which can most conveniently be performed on a purely local basis, whether it be in a town or in a village. While it is difficult to draw any clear and definite line of demarcation, it has for very many years been accepted that purely local affairs should be left to the representatives of the local inhabitants to administer, subject to a certain amount of supervision and control by the State Government or its officers. This principle had until very recently been applied more strictly and widely in the case of urban areas than in the case of rural areas; but, by and large, local authorities for rural areas had in the past been entrusted with lesser responsibilities, not because the State Government took upon itself responsibility for more services in rural areas than in urban areas, but rather because the nature of administration in rural areas on the State level as well as on the local level was more elementary. The undertaking of a comprehensive community development programme after independence, and its recent entrustment to *Zilla Parishads*, has completely altered the pattern of local self government in the State. It is, nevertheless, convenient to treat separately of the structure and functions of local authorities in urban areas and rural areas. It is not always easy to explain in many cases why a particular local area is put in the rural category and another is put in the urban category. In the ultimate analysis it will be found that, in marginal cases, it is mainly local sentiment that determines the issue. An area which shows a desire for the more complex administration of a municipality and a determination to tax itself sufficiently to keep such administration going will generally be recognised as an urban area for purposes of local self government. Apart from marginal cases, however, it may safely be said that an area qualifies to be regarded as urban if its population is not predominantly constituted of cultivators of the soil, whether as land-holders or as agricultural labourers. As soon as the social structure of the area becomes more complex, and its population includes a fair proportion of traders, industrial workers, legal practitioners, etc. it qualifies to be treated as a town. While, therefore, there is considerable flexibility in the matter of treating local areas as urban or rural, it may be mentioned that, in Western Maharashtra, no area may be declared to be a municipal district if its population is less than two thousand or if it consists of two separate inhabited areas between which there extends more than a mile of land unoccupied by houses, unless it is a hill station or unless exceptional reasons exist. In Marathwada, no area which has a population below 5,000 may be declared a municipality, unless the State Government is satisfied

that exceptional circumstances exist, but the State Government is bound to declare any area with a population of 5,000 or more either a Town Municipality or a City Municipality. In Vidarbha, there is not the same rigid requirement, and areas with populations of less than 5,000 or even 2,000 may be declared to be municipal areas; likewise areas with populations of 5,000 or more may be retained in the rural category and kept under the jurisdiction of village *panchayats*. From the administrative point of view, an area ceases to be rural as soon as it is declared to be a municipal district or a municipality under the relevant municipal act. The law still provides for an intermediate kind of area which is not quite a town, viz. a notified area under the Bombay District Municipal Act, 1901, or the Central Provinces and Berar Municipalities Act, 1922, but this provision has virtually fallen into disuse after the extension of the functions and resources of village *panchayats*. Thus, for all practical purposes, local authorities for purposes of local self government may be assumed to be either urban or rural. An important qualification has to be taken into account in making this division. In the field of primary education, which is a local responsibility, only some municipalities are allowed to conduct and control primary schools. In other municipal areas, the conduct and control of primary schools is the responsibility either of the *Zilla Parishads* which, in all other respects, have jurisdiction only in the rural areas of the districts for which they function, or, if the State Government so directs, of another municipality which is allowed to conduct and control primary schools. In Western Maharashtra, apart from the Bombay Municipal Corporation, which is a local authority for primary education in its own right, no municipality can conduct and control primary schools unless it is expressly authorised to do so under the Bombay Primary Education Act, 1948, (the Poona Municipal Corporation and the Sholapur Municipal Corporation are deemed by law to be so authorised without formal orders) and only some nine of the largest municipalities, including the Nasik, Ahmednagar and Kolhapur Municipalities, are so authorised. The other municipalities merely make a specified contribution out of their funds to the *Zilla Parishad* (or authorised municipality) concerned towards the cost of primary education. In Vidarbha, all municipalities are local authorities for primary education. In Marathwada none of the municipalities is a local authority for purposes of primary education. While, therefore, it is correct to say that *Zilla Parishads* are constituted as local authorities for rural areas, they exercise responsibility in the field of primary education in many urban areas as well. To this extent the distinction between urban and rural local authorities is not absolute. Another aspect of self government at the local level which might be mentioned is that of structure. In rural areas, the structure of local self government is three-tiered. There are village *panchayats* at the village level, *Panchayat Samitis* at the development block level and *Zilla Parishads* at the district level, all exercising jurisdiction in an interlocking arrangement. In urban areas, on the other hand, except in the case of municipalities which are not authorised to run and control primary schools in their areas, there is only a single local

authority responsible for all aspects of local self government, though, in the sphere of primary education, the actual day to day administration in the case of authorised municipalities coming within the scope of the Bombay Primary Education Act, 1947, has to be entrusted to a statutory School Board consisting of members partly appointed by the municipality concerned and partly nominated by the State Government.

Cantonment Boards

It may, incidentally, be mentioned that, in addition to urban and rural local authorities functioning under the authority of the State Government, there are a few local authorities performing essentially municipal functions in cantonment areas in the State, declared as such by the Union Government in exercise of its powers under the Cantonments Act. These areas are those in which there are appreciable concentrations of military personnel or installations and where the Union Government considers it necessary to constitute special authorities to administer local services. As the Constitution makes local self government in cantonment areas an exclusively Union subject, it is not necessary to give a description of cantonment boards. It will suffice to mention that such boards function in the State of Maharashtra at Poona, Kirkee, Deolali, Dehu Road, Ahmednagar, Kamptee and Aurangabad.

CHAPTER THIRTY

LOCAL SELF GOVERNMENT IN URBAN AREAS

Various kinds of municipalities

The local authorities responsible for the administration of urban areas fall into five classes. In the first class come the municipal corporations for Greater Bombay and for the Cities of Poona, Nagpur and Sholapur. Though there are variations in the composition and functions of these corporations, they all share a common characteristic in that, by and large, there is a clear-cut division between deliberative functions, which are entrusted to the corporation and its statutory and other committees, and purely executive functions which, subject to financial sanctions and approval in matters of policy, are entrusted to a Municipal Commissioner who is appointed by the State Government and not by the Corporation and who holds office on a tenure basis. The second class of urban local authorities are borough municipalities constituted under the Bombay Municipal Boroughs Act, 1925. These municipalities function for some eighteen of the larger towns in Western Maharashtra. These municipalities are required by law to appoint Chief Officers who have a considerable amount of executive autonomy, though this is much less extensive than that of the Municipal Commissioners for Greater Bombay and for the cities of Poona, Nagpur and Sholapur. The third class of urban local authorities consists of some eighty-one district municipalities in Western Maharashtra governed by the Bombay District Municipal Act, 1901. In the case of these municipalities executive authority is by law vested in the municipality itself or in its office-bearers like the President or Vice-President or Chairman of the Managing Committee, but it may, under rules made with due sanction, be delegated in specified matters to officers appointed by the municipality. Among district municipalities are three municipalities which have been recognised as "City Municipalities" under the Bombay District Municipal Act, 1901. These municipalities may, at their discretion, appoint Chief Officers and, when they do so, certain executive functions automatically vest in these officers. The fourth class of urban local authorities consists of sixty-five municipal committees in Vidarbha constituted under the Central Provinces and Berar Municipalities Act, 1922. These municipal committees are ordinarily vested with deliberative as well as executive functions, some of which are entrusted to its office-bearers or committees, but it is open to the State Government to require a municipal committee to appoint a Chief Officer if it is satisfied that such an appointment is necessary and that the committee has adequate funds for the purpose. When such an officer is appointed, the State Government has power to require the municipal committee concerned to delegate to the Chief Officer such powers, duties and functions of the committee, president, vice-president or secretary as may be

specified. The fifth class of urban local authorities consists of fifty-two municipalities in Marathwada constituted under the Hyderabad District Municipalities Act, 1956. Of these, thirteen are City Municipalities, since the towns for which they are constituted have populations of 15,000 or more or since they have been specially recognised as such on other grounds, and the rest are Town Municipalities. Ordinarily deliberative as well as executive functions are vested in the municipalities or their committees or office-bearers, but the State Government has discretion to appoint an Executive Officer for a particular municipality, and such Executive Officer is made directly responsible for carrying out the purposes of the Hyderabad District Municipalities Act, 1956, and is vested with several specific powers under the Act. It will be seen that the State of Maharashtra contains some two hundred and twenty-three municipal authorities, variously designated as municipal corporations, borough municipalities, district municipalities, municipal committees, city municipalities or town municipalities.

Duties and functions of municipalities

The law specifies the matters in which a municipality has an obligation to make reasonable and adequate provision for the local inhabitants. Though there are slight variations in the listing of obligatory duties for the different classes of municipalities, by and large the major obligations are the same throughout the State. These may very summarily be listed as drainage and sanitation, scavenging, roads, removal of obstructions on public streets, lighting, watering and cleaning of streets and public places, reclamation of unhealthy localities and abatement of nuisances, regulation of places for the disposal of the dead, water-supply for public and private purposes, public medical relief, control over dangerous diseases, public vaccination, provision of public markets and regulation of all markets and slaughter houses, regulation of offensive and dangerous trades, fire-protection and fire-fighting, securing or removal of dangerous buildings, registration of births and deaths and, subject to the provisions of the law, primary education. Generally, town improvement and the preparation and enforcement of development plans and the prevention of adulteration of food and drugs have been made obligations of all municipalities, whether by the laws constituting the municipalities themselves or by separate legislation. The State Government has also entrusted to specified municipalities additional responsibilities in such matters as supervision over conditions of work in shops and establishments. Subject to adequate and reasonable provision being made for the performance of its obligatory duties, every municipality has very wide discretion to undertake any measures it deems fit provided they are designed to promote public health, safety, convenience or instruction. In particular, it is open to municipalities to provide education, other than primary education, public parks, gardens and recreation grounds, libraries and museums, tramways, public transport, electric supply, gas supply, housing either for the more vulnerable sections of the public or

for municipal employees, milk supply, poorhouses and homes for disabled and destitute persons, etc. Though several matters have been made obligatory responsibilities of municipalities, it must not be assumed that the State Government has wholly divested itself of executive responsibility in respect of these matters. For instance, in certain areas, the State Government has undertaken water-works for the benefit of municipal areas (e.g. the Pandharpur Water Supply, the Ambernath Water Supply). In many towns the State Government maintains hospitals and dispensaries (e.g. Civil Hospitals at every district headquarters and several large hospitals in Bombay City). In some cases the reason for the intervention of the State Government will be found in the fact that the particular service is undertaken in the interest of a wider public than the permanent residents of the municipal area concerned, or in the interest of a number of municipal areas on a regional basis.

Powers of municipalities

Municipalities, subject to the provisions of the law, exercise several powers characteristic of a sovereign authority. Thus, they are empowered to levy taxes, to regulate property (extending to the demolition of buildings and the acquisition of property for public purposes such as street widening or slum clearance) and to enact by-laws which may provide for the imposition of penalties by courts of law. It is, however, important to remember that, though municipalities share some of the characteristics of a sovereign authority, they are in substance the creatures of statute and, in this respect, no different from other statutory corporations. The sovereignty they exercise does not derogate from the sovereignty vested by the Constitution of India in the State Government.

Constitution of municipalities

Except for the Nagpur Municipal Corporation, all municipalities in the State consist of a certain number of councillors elected by territorial wards into which the municipal area concerned is divided. The Nagpur Municipal Corporation has, in addition to councillors elected by territorial wards, a certain number of councillors elected or appointed by the Nagpur Chamber of Commerce, registered trade unions, the Executive Council of the Nagpur University, the Trustees of the Nagpur Improvement Trust, the *Zilla Parishad*, Nagpur, the Central Railway, the South-Eastern Railway and the Directors of the Cloth Mills at Nagpur and a certain number of councillors coopted by those already elected or appointed. Reservations are made for persons belonging to the Scheduled Castes and the Scheduled Tribes where the population justifies such reservations, except in Greater Bombay and Nagpur (where, however, at least one councillor has to be a member of the Scheduled Castes). Except in Greater Bombay, Nagpur and Poona, seats are also reserved for

women in each municipality. In Greater Bombay, the constitution of wards and distribution of seats is made by the Corporation, subject to the sanction of the State Government. Elsewhere it is done by the State Government, though, in practice, there is consultation with the municipality concerned.

The role of State Government in municipal field

The controlling and supervisory authority vested in the State Government or its officers such as the Divisional Commissioners and the Collectors, varies according to the class of municipality. It is least in the case of the Municipal Corporation for Greater Bombay, which enjoys the distinction of being free from liability to dissolution or supersession to which every other municipality is liable. Its councillors are also not liable to be removed from office for misconduct as individual councillors of most other municipalities may be. In the matter of fixation of rates of taxes too, the Bombay Municipal Corporation is virtually free from Government control. The Poona, Nagpur and Sholapur Municipal Corporations also enjoy considerable discretion in this respect, though it is somewhat less than that of the Bombay Municipal Corporation. In other cases, the rates either require approval of the State Government or an officer of the State Government, or are regulated by rules made by the State Government. The Government's sanction is needed in many matters but, ordinarily, except in the Vidarbha region, appeals do not lie to the State Government against municipal decisions, though it is open to the State Government to interfere with actions which are found to be unlawful or harmful to the public or likely to cause a breach of the peace. In the Marathwada region, the State Government has constituted, under the provisions of the Hyderabad District Municipalities Act, 1956, a Local Government Service, including Executive Officers, Local Government Engineers, Water Works Engineers, Supervisors, Sanitary Inspectors and such other officers and servants as may be appointed from time to time. The power of appointment, transfer, punishment, etc. and of prescribing the conditions of service are vested in the State Government. The salaries and allowances of officers belonging to the Service who are posted under the various municipalities are met from a Common Local Government Service Fund to which each municipality is required to contribute a fixed percentage of its revenues. The State Government may also appoint supervisory officers such as Superintending Engineers, Divisional Engineers and Town Planning Officers or Architects for the whole region, payable from the same Fund and may prescribe their powers and jurisdiction in the municipal field. In Vidarbha, the State Government has power to classify municipal committees into groups for the purpose of interchange of staff. Municipal Committees in Vidarbha have accordingly been grouped into six classes (two in Class I, two in Class II, nine in Class III, eighteen in Class IV, seventeen in Class V and thirteen in Class VI) according to size and resources.

Special arrangements for primary education

In respect of primary education, which is in an obligatory responsibility of all municipalities, it will be seen from the previous chapter that only some of them are allowed to conduct and control primary schools themselves, though all have to bear a substantial part of the cost, either as direct expenditure or as contribution to the *Zilla Parishads* or authorised municipalities which actually run the schools. Those municipalities which conduct and control their own primary schools do so either as one of the departments of the municipal administration or, in the case of municipalities in Western Maharashtra, except the Bombay Municipal Corporation, through the agency of statutory municipal school boards constituted under the Bombay Primary Education Act, 1947. Such school boards are in existence for the Poona and Sholapur Municipal Corporations and for nine other municipalities in Western Maharashtra, which are all termed authorised municipalities. The school boards are entrusted with several of the duties and functions of the authorised municipalities in the field of primary education. Each authorised municipality is required to maintain a separate fund called the primary education fund which stands in the name of the municipal school board.

Organisation of school boards

Each school board consists of between twelve and sixteen members, of whom two or three are appointed by the State Government and the remainder by the authorised municipality. One of the members appointed by the State Government has to be a Government officer. The members appointed by the authorised municipality need not be members of the municipality, but a prescribed number have to belong to the scheduled castes and scheduled tribes and not less than three must possess certain minimum educational qualifications. Representation is also to be given to non-authorised municipalities, if any, whose primary schools are managed by the Municipal School Board. Each school board elects a chairman and a vice-chairman from amongst its members. Every school board has an Administrative Officer who is appointed by the State Government and remains a Government servant drawing his salary and allowances from the State Revenues, except in the case of Poona and Sholapur Municipal Corporations which are entitled to appoint their own Administrative Officers and also any other authorised municipality which may be specially empowered to appoint its own Administrative Officer, provided its annual expenditure on primary education is not less than one lakh of rupees a year. The other staff of the school boards consists of Assistant Administrative Officers, Supervisors, Attendance Officers, clerks, teachers and other servants and staff. Though the power of appointment vests in the authorised municipality concerned, the selection of the educational staff is entrusted to a staff selection committee consisting of an officer nominated by the Director of Education, the Chairman of the School Board and the

Administrative Officer, appeals lying to a tribunal consisting of the Chairman of the School Board and an officer appointed by the Director of Education.

Control over school boards

The State Government may remove a member of a school board for misconduct or incapacity. It may order action to be taken in cases of default, order inquiries to be held and issue directions. In extreme cases it may dissolve or supersede an incompetent or defaulting board. While a board is suspended its powers are exercised and duties performed by a person or persons appointed by the State Government. The State Government may also make reductions in its grants if it finds that the primary education fund is being or is about to be misused. The State Government prescribes the duties to be performed by the school board staff, sanctions schemes of compulsion, sanctions regulations made by authorised municipalities and specifies the subjects, curricula, books and standards of teaching of approved schools. Inspection of schools is carried out by officers of the Education Department, and officers nominated by the Director of Education are entitled to be present at meetings of school boards. The Director of Education may call for returns or for explanations from an authorised municipality or school board or an administrative officer and may suspend the execution of orders which are in excess of the powers of a school board or contrary to the provisions of the Act, rules or regulations.

The Nagpur Improvement Trust : Functions

Though the execution of schemes for town development and town improvement are primarily a municipal responsibility, in the case of the City of Nagpur a separate authority has been set up for the more effectual execution of projects in this field. This is the Nagpur Improvement Trust constituted under the Nagpur Improvement Trust Act, 1936. It is the function of the Trust to undertake improvement schemes for the improvement and expansion of the town of Nagpur. An improvement scheme may have the purpose of (a) effecting general improvement, (b) re-building or re-housing, (c) laying out streets or making provision for street developments at some future date, (d) laying out a new area, (e) providing housing accommodation, or (f) providing drainage or sewage disposal. In the execution of an improvement scheme may be involved acquisition and disposal of property, redistribution of building sites, closure or demolition of buildings, construction or reconstruction of buildings, sale or letting or exchange of properties, construction or alteration of streets, provision of drainage, water-supply or lighting, provisions of parks, playing fields, public markets, fire brigade stations and other amenities, the reservation of sites for future public needs, the grant of loans and advances and the levy of betterment charges. The Board is vested with several powers of the Nagpur Municipal Corporation during the execution of improvement schemes, and is required to consult the Municipal Corpora-

tion about every projected scheme and take into account any objections which the Corporation may raise. The sanction of the State Government is required before an improvement scheme is put in operation. The Board has an independent Fund from which its expenditure is met. Apart from receipts from its property transactions and betterment levies, the Trust is entitled to receive the proceeds of a surcharge on the stamp duty payable on transfer of immovable property in the area under its jurisdiction, and also a quarterly contribution from the Nagpur Municipal Corporation equal to one half per cent of the annual rateable valuation of houses in the City of Nagpur, subject to a minimum contribution of one lakh of rupees per annum.

The Nagpur Improvement Trust: Structure

The Trust is a body corporate with perpetual succession and a common seal. It consists of a Chairman appointed on a full-time basis by the State Government and eight other Trustees, including the Mayor of Nagpur, the Municipal Commissioner for the City of Nagpur, one representative of the Nagpur Municipal Corporation elected by the councillors from amongst themselves, four trustees nominated by the State Government, of whom at least two have to be non-officials resident in Nagpur, and one representative of the State Legislative Assembly elected by the members from among members ordinarily resident in Nagpur. The term of office is five years but earlier removal of a Trustee by the State Government for specified reasons is permissible. The Chairman is vested with several executive powers and is assisted by a staff of officers and servants appointed by the Trust in accordance with rules approved by the State Government. The State Government is empowered to call for information from the Board, to cause an inspection to be made, to issue directions to the Board in respect of misconduct by any of its officers and to call upon the Board to take the necessary measures to remedy a default in the performance of its duties. The State Government also has power to order the dissolution of the Trust if it is satisfied that all pending schemes have been completed or are in a sufficiently advanced stage of completion to render the continuance of the Trust to be no longer necessary. In the event of dissolution, the assets and liabilities of the Trust devolve on the Nagpur Municipal Corporation, which may also discharge the functions of the Trust as far as may be necessary to complete unfinished schemes or realise properties, funds, etc.

CHAPTER THIRTY-ONE

LOCAL SELF GOVERNMENT IN RURAL AREAS AND COMMUNITY DEVELOPMENT PROGRAMME

Genesis of Zilla Parishads and Panchayat Samitis

In spite of the existence of local authorities like district local boards and *Janapada Sabhas*, local self government in rural areas made little progress until the recent past mainly owing to the meagre financial resources at the disposal of the local bodies. Attempts to take self government closer to the rural population by the establishment of village *panchayats*, which were expected to do in the villages what municipalities did in towns and cities, were also not effective, because, among other reasons, village *panchayats* were even more handicapped by lack of financial resources than the district local boards and *Janapada Sabhas*. Since 1947 attempts were made to augment the resources of local bodies in rural areas by increasing local taxation as well as by making assignments out of land revenue and also by making more generous grants for roads, public works and education, but, simultaneously with these measures, the State Government undertook a comprehensive community development programme which was to be executed mainly through its own administrative machinery. The danger then arose that, so far as rural areas were concerned, all development activities would become the direct responsibility of the State Government and local self government would virtually die out. Even more important, it came to be realised that popular participation in the formulation as well as execution of the development programme was essential if the better way of life which it promoted was to be permanently established. The Balwantrai Mehta Committee which was appointed by the Central Government for evaluating the success or otherwise of the Community Development Programme came to the conclusion that a substantial degree of democratic decentralisation was necessary if we expected local initiative to develop in carrying out the programme. The Balwantrai Mehta Committee recommended the Community Development Block as a unit of self government, in addition to village *panchayats*. The Government of Maharashtra appointed a Committee on Democratic Decentralisation under the Chairmanship of Shri V. P. Naik, then Minister for Revenue and now Chief Minister, to examine and indicate the level or levels at which a statutory body or statutory bodies should be set up with popular representation and to examine and indicate the matters concerning the development of rural areas which should be entrusted to such body or bodies. The Naik Committee recommended that decentralisation in as large a measure as possible should be carried out, and they recommended that the district should be adopted as the first stage of devolution from the State Government, so that schemes costing substantial amounts could be transferred to local authorities. The Committee also recommended the

establishment of subsidiary authorities at the Block level for the execution of programmes, and the integration of village *panchayats* into the development machinery. The Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961, was based on the recommendations of the Committee and the Act was brought into force from 1st May 1962.

Constitution of Zilla Parishads

The *Zilla Parishads* and *Panchayat Samitis* Act, 1961, extends to the whole State of Maharashtra except areas under the jurisdiction of municipalities, cantonment boards and notified area committees, including the whole of Greater Bombay. The *Zilla Parishad* is established as a corporate body for each district, and a *Panchayat Samiti* is established as a subsidiary statutory body for each Block. Each Taluka in Western Maharashtra and each Tahsil in most of Marathwada has been notified as a Block. In Vidarbha, the Tahsils were far larger than talukas and they had already been divided into Blocks for the Community Development Programme. These Blocks were notified as Blocks for forming *Panchayat Samitis*. Each *Zilla Parishad* consists of elected, *ex-officio* and associate councillors. In certain circumstances it may also include one or two coopted councillors. The number of elected councillors varies from 40 to 60, and they are elected by adult franchise from single member territorial electoral divisions into which the district is divided. Each division is not to contain more than 35,000 people. The electoral roll of the Maharashtra Legislative Assembly is the list of voters for each division. If the elected councillors do not include a woman, two women, each residing in a different Block in the district, have to be coopted as councillors. If the elected councillors include only one woman, then one woman residing in a Block in the district other than that in which the woman elected resides has to be coopted as a councillor. The Chairmen of all the *Panchayat Samitis* in the district, unless they are already elected councillors, are *ex-officio* councillors. Besides, the chairmen of five federal cooperative societies in the district conducting activities relating to credit, land development, marketing, industrial cooperatives and cooperative training or education are associate councillors who have the right to attend meetings of the *Zilla Parishads* and participate in the discussions but not to vote. There is provision for reservation of a seat or seats for scheduled castes or tribes in suitable divisions if the population figures warrant representation. The total number of councillors may range from 45 to 54 in the case of the smallest *Zilla Parishad* and from 65 to 82 in the case of the largest. The President and the Vice-President of the *Zilla Parishad* are elected by the elected councillors from amongst themselves. The Deputy Chief Executive Officer of the *Zilla Parishad* is *ex-officio* Secretary of the *Zilla Parishad*.

Constitution of Panchayat Samiti

As regards the *Panchayat Samiti* it is a much smaller body. All councillors elected to the *Zilla Parishad* from the electoral divisions included in the Block,

the coopted woman councillor, if any, residing in the Block and *sarpanchas* of village *panchayats* elected by members of *panchayats* in the Block in the manner detailed below are members of the *Panchayat Samiti*. If these members do not include a woman or do not include a person belonging to the Scheduled Castes or Scheduled Tribes, a woman or a person belonging to such castes or tribes, as the case may be, residing in the Block has to be coopted by the *Panchayat Samiti* as a member. In addition, the chairman of such cooperative society conducting the business of purchase and sale of agricultural products in the Block as the State Government may specify, and the chairman of a cooperative society conducting business in agriculture in the Block other than that specified by the State Government coopted by the *Panchayat Samiti* serve as associate members. For the purpose of election of *sarpanchas* of village *panchayats* as members of the *Panchayat Samiti*, each electoral division in the Block is divided into two electoral colleges of members of village *panchayats*, and each electoral college elects a *sarpanch* to serve on the *Zilla Parishad* as a member. The Chairman and Deputy Chairman of the *Panchayat Samiti* are elected by the elected councillors and the *sarpanchas* who are members of the *Panchayat Samiti*. If, however, the Chairman or Deputy Chairman is elected as President, or as Vice-President of the *Zilla Parishad*, he forthwith ceases to be such Chairman or Deputy Chairman, as the case may be. The Block Development Officer is *ex-officio* Secretary of the *Panchayat Samiti*.

Zilla Parishad Committees

The work of a *Zilla Parishad* is based on the committee system. There is a Standing Committee in each *Zilla Parishad* and six Subjects Committees for finance, works, agriculture, cooperatives, education and health. The President of the *Zilla Parishad* is the Chairman of the Standing Committee. The Vice President is the Chairman of two of the Subjects Committees and two Chairmen are elected to preside over the remaining four Subjects Committees. The Chairman and the Deputy Chairman of the *Panchayat Samiti* are not eligible for membership of any Committee. The constitution of each Committee is laid down in the Act. Associate councillors, who are not allowed to vote at meetings of the *Zilla Parishad*, may be elected as members of the various committees and, if so elected, can vote at committee meetings. Provision exists for the *Zilla Parishad* to coopt non-councillors with special knowledge or experience of the subjects concerned on the Standing Committee and on Subjects Committees other than the Cooperative Committee. No councillor may be a member of more than two committees. The Deputy Executive Officer is the Secretary and the Social Welfare Officer of the *Zilla Parishad* is Joint Secretary of the Standing Committee. Heads of the Departments of the *Zilla Parishad* selected by the *Zilla Parishad* for the purpose are Secretaries of the Subjects Committees. The *Panchayat Samitis* which are, in the main, executive committees of the *Zilla Parishad* on a territorial basis, with some additional members, do not sub-divide into smaller committees.

Duties and responsibilities of Zilla Parishads and Panchayat Samitis

The subjects which have been handed over to the *Zilla Parishads* are enumerated in the First Schedule to the Maharashtra *Zilla Parishads and Panchayat Samitis Act, 1961*, while *Panchayat Samitis* have been made primarily responsible for the subjects enumerated in the Second Schedule to the Act. The activities listed in the First Schedule are those which can be undertaken for the district as a whole, while the activities listed in the Second Schedule, many of which overlap those mentioned in the First Schedule, can be carried out in each Block. Both the Schedules contain subjects which relate to agriculture, animal husbandry, forests, social welfare, education, medicine, *ayurveda*, public health, buildings and communications, public health, engineering, irrigation, cooperation, publicity, community development, social education and rural housing. The Act makes it lawful for a *Zilla Parishad* to make provision for carrying out within the district any other work or measure which is likely to promote the health, safety, education, comfort, convenience and social, economic or cultural well-being of the inhabitants of the district. While the activities specified in the Second Schedule are primarily the responsibility of the *Panchayat Samitis*, subject to the overall control of the *Zilla Parishad*, even in respect of activities not specifically enumerated in that Schedule the *Panchayat Samitis* are generally the executive agencies of the *Zilla Parishad*, and they execute, maintain, supervise and administer such works and development schemes of the *Zilla Parishad* within the Block as are entrusted to them by or on behalf of the *Zilla Parishad*. *Panchayat Samitis* are empowered to make budget provision for items in the Second Schedule and, as regards the execution of the programme of development out of Community Development Block funds, the *Panchayat Samitis* have full autonomy. The Standing Committee and the Subjects Committees of the *Zilla Parishad* are in charge of the works and the schemes relating to the subjects which are allotted to them. The Standing Committee has higher powers than the Subjects Committees. It supervises and controls the imposition and collection of taxes, maintains a schedule of rates in connection with the execution of constructional works and development schemes, manages and regulates the investment of the district fund and examines and passes monthly accounts of receipts and expenditure of the *Zilla Parishad*.

Community Development Programme

An important item which has been handed over to the *Zilla Parishads* and actually implemented by the *Panchayat Samitis* is the Community Development Programme. The Chief Secretary to the Government of Maharashtra, who is the Development Commissioner, is charged with the responsibility of planning, co-ordination and execution of the programme at the State level, and he is advised in the matter by the State-level Consultative Committee on *Panchayati Raj*. The Additional Secretary to Government,

General Administration Department, is *ex-officio* Additional Development Commissioner. The Programme is a process of socio-economic transformation of the whole rural community by creating an urge in the minds of the people for improving their standard of living by their own efforts, aided, of course, by the resources and services which are made available to them by the State Government. With the entrustment of the execution of the programme to organs of local self government the active participation of the people is sought to be enlisted. As observed by Shri B. Mukerji in *Community Development in India*, "The promotion of local self government has now a far greater significance than merely an attempt to create people's institutions for community development; the real purpose is to give vitality to the whole democratic process and to provide a broader and firmer base to our new-born democracy".

Stages of development

The Community Development Programme is divided into three stages, viz. Pre-Extension Stage, Intensive Stage or Stage I, and Post-Intensive Stage or Stage II. The Pre-Extension Stage is for one year with a budget provision of Rs. 18,000 per Block for doing preliminary work on schemes which are to be taken up later. A skeleton staff of one Block Development Officer, one Agriculture Extension Officer, and five Gram Sevaks is provided for this purpose. Stage I phase is for five years with a budget provision of Rs. 12 lakhs. A staff of one Block Development Officer, eight Extension Officers, ten Gram Sevaks, two Gram Sevikas, thirteen Class III and Class IV staff, as well as a Medical Officer, a Lady Health Visitor, four Midwives, and four other public health workers is sanctioned per Block for Stage I. It is during this stage that development work is intensively undertaken. Stage II also is for five years, but with a reduced budget provision of Rs. 5 lakhs. During this stage incomplete works of Stage I are completed and, in addition, some new schemes and follow-up action on completed schemes are undertaken.

Size of Development Blocks

According to the norms of the Ministry of Community Development each Development Block should consist of a population of about 66,000 and contain a hundred villages. The revenue talukas which constitute Blocks in the greater portion of Maharashtra differ considerably from one another in respect of population as well as number of villages, but it has been found administratively convenient to retain them as Blocks. However, they have been graded into different categories for purposes of staffing and financial provisions. A Block with a population of not more than 44,000 is considered as three-fourths of the norm for these purposes. In Vidarbha, where the tahsils are considerably larger than talukas elsewhere, Blocks have been constituted on the Community Project Administration pattern.

Implementation of programme

The Community Development Programme is implemented according to the nature of items which are to be undertaken. There are items like provision of staff and office buildings, staff quarters, supply of literature and equipment which have to be looked after by the Block Organisation. There are items like the establishment of service institutions, such as Primary Health Centres, Veterinary Dispensaries, Rural Arts and Training Centres and departmental irrigation works, which are started by the Block Organisation with the active help and close co-operation of the people. There are items which must be regarded as people's own programme, but for which some technical advice and some financial help is made available by the Block Organisation. Community works like roads, school buildings, drinking-water wells, community centres, use of improved seeds, organic manures, green manures, chemical fertilizers, adoption of improved methods of cultivation, construction of new non-departmental irrigation works, full utilisation of the irrigation capacity of existing works, use of plant protection and soil conservation measures, improvement of the breed of cattle and poultry, bringing new areas under cultivation, environmental hygiene and organisation of cooperatives may be mentioned under this head. The entire expenditure on items falling in the first category is borne by the State Government. Works in the second category are undertaken if the minimum rates of popular contribution which have been prescribed are forthcoming. Popular contribution can be in cash, kind or labour. In backward areas, where the population of scheduled tribes, scheduled castes or other backward classes is more than 60 per cent of the total population, the rates of popular contribution are reduced by half, or in individual cases even more. The entire expenditure on items in the third category is supposed to come from the people. The Block Organisation undertakes only guidance and technical advice. It, however, extends a helping hand in some cases. Improved varieties of seeds, various kinds of manures and fertilizers, and improved breeds of cattle are supplied by the Block Organisation. Demonstrations of improved methods of cultivation are arranged free of cost and subsidies to individuals and grants-in-aid to institutions are paid for undertaking some activities in this category, such as construction of school buildings and drinking-water wells. The Block Organisation also helps the people to secure supplies and services which are available under various schemes of different development departments. A few schemes of grant of loans have also been introduced under the Community Development Programme to supplement the supplies and services available under the departmental schemes. Loans for construction of new houses and renovation of old houses, for construction of new irrigation wells and repairs to existing irrigation wells and for the development of poultry, cattle and horticulture, for instance, are sanctioned from the Block funds

Financial resources

There is a district fund at the disposal of the *Zilla Parishad*. The proceeds of taxes, cesses and other dues of the *Zilla Parishad* are kept in it. There is a tax of 20 paise for every rupee of land revenue collected as a surcharge along with the land revenue, and a cess not exceeding 19 paise per rupee on the water rate leviable in the district. The *Zilla Parishad* may, in addition, itself levy and collect a tax on professions, trades, callings or employments, a tax on public entertainments, a pilgrim tax, a special tax on lands and buildings, license fees, market fees and stamp duty on transfer of immovable property in the district. Care has been taken to provide adequate resources for the *Zilla Parishad* and there is also encouragement for increasing them. Moreover, there is financial assistance in the form of grants. There is a land revenue grant of 70 per cent of the land revenue and equalisation grant to make up the difference between the land revenue grant and an amount calculated at Rs. 2/- per head of the population, an establishment grant of 75 per cent of the cost of staff transferred to the *Zilla Parishads*, a purposive grant of not less than 75 per cent of the expenditure on works and schemes transferred to the *Zilla Parishads*, grants for plan schemes transferred to *Zilla Parishads* and incentive grants to speed up the execution of development schemes. There is a deficit adjustment grant to be given to *Zilla Parishads* for the first five years according to requirements. There are local cess matching grants both for *Zilla Parishads* and *Panchayat Samitis*, if local cess in excess of the minimum rate prescribed under the Act is collected in a district or a Block as a result of the proposal of the *Zilla Parishad* or *Panchayat Samiti*. There are, of course, Block grants for schemes under the Community Development Programme and grants for schemes included in the Second Schedule to the Act, but these go to the *Panchayat Samitis* through the *Zilla Parishads*.

Staff

The elected office bearers of the *Zilla Parishad* and the *Panchayat Samiti*, viz. the President, three Chairmen of the Subjects Committees, including the Vice-President, and the Chairman and Deputy Chairman of the *Panchayat Samiti*, are all paid honoraria as provided in the Act and, except for the Deputy Chairman of the *Panchayat Samiti*, are provided rent-free furnished accommodation. Experienced Class I and Class II officers are posted to work under the *Zilla Parishad*, including a Chief Executive Officer who belongs to the Indian Administrative Service and a Deputy Chief Executive Officer of the rank of Deputy Collector. These officers, however, continue to remain in State service, and their pay and allowances are drawn from the Consolidated Fund of the State. Among the other officers made available to *Zilla Parishads* are District Agricultural Officers, District Animal Husbandry Officers, District Social Welfare Officers, Executive Engineers, Educational

Inspectors and District Health Officers and these are ranked as Heads of Departments. The *Zilla Parishads* also have Chief Accounts and Finance Officers drawn from the Accountant General's office. For each *Zilla Parishad* there have been constituted a District Technical Service (Class III), a District Service (Class III) and a District Service (Class IV), and their recruitment and conditions of service are regulated by rules made by the State Government. For recruitment to District Technical Services (Class III) independent Divisional Selection Boards have been constituted, and for recruitment to the other two Services independent District Selection Boards have been constituted. The members of the Boards, who may be officials or non-officials, are appointed by the State Government and each Board has a Secretary also appointed by the State Government. Class III and Class IV servants working on schemes which have been handed over to the *Zilla Parishad* and the employees of the local bodies which have been replaced have been transferred to them. Every possible help is thus being given to the *Zilla Parishads* to run the administration of their districts.

Village Panchayats

The third tier in the structure of rural local self government is the Village *Panchayat*. According to the Bombay Village Panchayats Act, 1958, there must be a *panchayat* for every revenue village or group of revenue villages or hamlets or other such administrative unit or part thereof which is declared to be a village for the purposes of the Act. 19,741 Village *Panchayats* have been constituted in the State until 31st May 1963, and they cover 99.34 per cent of the revenue villages and hamlets. A Village *Panchayat* consists of from seven to fifteen elected members as may be fixed by the Collector. The members are elected by adult franchise by territorial wards on the basis of the electoral rolls of the Maharashtra Legislative Assembly. Two seats are reserved for women in each Village *Panchayat*, and there is provision for reservation of seats for scheduled castes and scheduled tribes where necessary. The *Sarpanch* and *Upa-Sarpanch* are elected by the members from amongst themselves and the executive power for carrying out the provisions of the Act vests in the *Sarpanch*. The Village *Panchayats* have been given powers and functions in every sphere of village development and welfare, like sanitation and health, public works, village defence, agriculture and preservation of forests, breeding and protecting cattle and village industries. The *Panchayat* supervises the primary schools within its jurisdiction, though the schools are maintained or aided by the *Zilla Parishad*. Several responsibilities have been made obligatory duties of Village *Panchayats*, but they have general discretion, subject to adequate provision being made for carrying out obligatory functions, to undertake any work or measure which is likely to promote the health, safety, education, comfort, convenience and social or economic or cultural well-being of the inhabitants of the village. Any work or development scheme which a *Zilla Parishad* or *Panchayat Samiti* decides to execute or maintain may, and, if the

State Government so prescribes, shall be executed or maintained through the agency of a Village *Panchayat*. In respect of every such work or scheme, the Village *Panchayat* has to be paid by the *Zilla Parishad* through the *Panchayat Samiti* the cost of execution or maintenance *plus* any extra cost of administration which may be incurred.

Finance

Every Village *Panchayat* has a village fund. The resources of the Village *Panchayat* consist of taxes and fees like the tax on land and buildings, octroi, the tax on fairs and festivals and other entertainments, the tax on bicycles and vehicles drawn by animals, fees on markets, bazars and cart-stands, sanitary cess and water rates. Apart from income from local taxation, each Village *Panchayat* receives from the State Government a grant-in-aid equal to 30% of the land revenue collected in the village and, where necessary, an equalisation grant of the amount by which the land revenue grant falls short of one rupee per head of population. Further, a cess at the rate of 20 paise per rupee of land revenue is recovered within the jurisdiction of a Village *Panchayat* and credited to the village fund.

Staff

The Gram Sevak who, under the new staffing pattern of the *Zilla Parishads*, is a member of an integrated service for the whole district, is responsible at the village level for the secretarial work of the Village *Panchayat*, in addition to his duties in regard to revenue collection and development. The Gram Sevak is, therefore, *ex-officio* Secretary of the Village *Panchayat*. The former Secretaries of Village *Panchayats* and the Talatis and Patwaris who formerly attended to the work of revenue collection have been absorbed as Assistant Gram Sevaks. Though the work of revenue collection has now been entrusted to Village *Panchayats* to be carried out through the old Talatis or Patwaris who have become Assistant Gram Sevaks, these village functionaries are still under the control of their superior revenue officers as far as collection of land revenue is concerned. The *Panchayats* can appoint the office staff necessary for discharging its duties and pay their salaries from the village fund.

Control

The budgets of Village *Panchayats* are approved by *Panchayat Samitis*, those of the *Panchayat Samitis* by the *Zilla Parishads*, and those of the *Zilla Parishads* by the State Government. The accounts of the *Panchayats* at every level are audited by the State Government and the Collector can surcharge the person authorising any illegal or objectionable payment after considering the report of the *Panchayat* concerned, to whom a copy of the audit note is forwarded. The *Zilla Parishad* can remove the *Sarpanch* or

Upa-Sarpanch of a Village *Panchayat* for misconduct or neglect of duty or incompetence after due notice and enquiry. The Standing Committee can suspend the execution of an order or resolution of a Village *Panchayat* and provide for the execution of any work in the *Panchayat* area in cases of emergency. The Collector can exercise similar powers in the cases of *Panchayat Samitis* and *Zilla Parishads*. The Standing Committee of a *Zilla Parishad* can reduce the establishment of a Village *Panchayat* if it considers it excessive and the Divisional Commissioner can take similar action in the case of a *Zilla Parishad*. The Divisional Commissioner can call a meeting of a *Zilla Parishad* or a *Panchayat Samiti*, if they fail to do so within the prescribed period. The State Government can dissolve or supersede a *Zilla Parishad*, a *Panchayat Samiti* or a Village *Panchayat*.

PART IX

STATUTORY CORPORATIONS AND BOARDS

CHAPTER THIRTY-TWO

GENERAL

General characteristics of statutory corporations, boards and councils

For a variety of reasons it has been deemed expedient to constitute by law public corporations, boards or councils for the performance of regulatory functions or for the provision of services to the public. These corporations, boards and councils are in law distinct from the State Government, but they are in varying degrees under the control of, or answerable to, the State Government, and they operate, subject to the law, within the field of the executive authority of the State. In some cases all members of the corporation, board or council, or a prescribed number out of them, are appointed by the State Government, and some of them may be officials of the State Government or even Ministers who become members by virtue of the offices they hold. In some cases the executive officers of the corporation, board or council may be appointed by the State Government; in others their appointments may require its approval. The power to make rules and regulations supplementing the provisions of the governing statute is usually assigned to the State Government. In many cases the approval of the State Government, or a specified officer of the State Government, is required before action is taken, and in some cases the State Government has powers to issue directions, to take action in default, to revoke orders, and, in extreme cases, to supersede the corporation, board or council. In some cases the corporation, board or council is virtually independent of the State Government financially; in others it is entitled to grants and subsidies; in others still it may be wholly dependent on the State Government for funds. While in a few cases members or office-bearers are full-time paid officials, in most cases members and office-bearers serve in an honorary capacity or on payment of fees which bear no relation to the value of the service they render to the public.

Sphere of operation of statutory corporation, board or council

It is difficult to formulate any definite criterion determining the sphere of operation which legitimately belongs to a statutory corporation, board or council as distinguished from a government department. Whether it is the exercise of purely regulatory functions or the conduct of examinations or the provision of a service, like electric supply or housing or financial assistance, responsibility may be entrusted to a corporation or to a government department according to convenience. All that it seems possible to assert by way of general principle is that, whenever it is found necessary to relieve the central executive authority in the State of responsibility for control over the day to day conduct of a regulatory function or the provision of a service, a separate

authority is entrusted with the duty of performing the function or providing the service. In the second place, a separate statutory authority is called for whenever it is considered desirable (a) to entrust a regulatory function to representatives of those most closely affected, as in the case of councils for control over members of certain professions, or (b) to give representation to interests concerned in the provision of the service. In the third place, a separate authority may be considered desirable for the conduct of activities on the basis of business considerations, though certain departments of the State Government do conduct business activities.

Professional councils and boards

Statutory authorities exist for the exercise of control over members of the medical, dental, nursing, pharmaceutical and veterinary professions. In the case of the medical profession these bodies are : (a) the Maharashtra (Bombay Area) Medical Council, functioning under the Bombay Medical Act, 1912, in Western Maharashtra, and the Vidarbha Medical Council, functioning under the Central Provinces and Berar Medical Registration Act, 1916, in Vidarbha for allopathic medical practitioners, (b) the Maharashtra Board of Ayurvedic and Unani Systems of Medicine, functioning under the Maharashtra Medical Practitioners Act, 1961, for *ayurvedic* and *unani* medical practitioners and (c) the Board of Homoeopathic and Biochemic Systems of Medicine, functioning under the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959, for homoeopathic and biochemic medical practitioners. In the case of dental practitioners there is the Maharashtra State Dental Council functioning under the Dentists Act, 1948. In the case of the nursing profession there are the Maharashtra (Bombay Area) Nursing Council functioning under the Bombay Nurses, Midwives and Health Visitors Act, 1954, in Western Maharashtra and the Vidarbha Nurses Registration Council functioning under the Central Provinces and Berar Nurses Registration Act, 1936, for nurses, midwives and health visitors. In the case of pharmacists there are the Bombay State Pharmacy Council and the Madhya Pradesh State Pharmacy Council functioning under the Pharmacy Act, 1948, for, respectively, (a) the areas in Maharashtra, Gujarat, Mysore and Rajasthan States which constituted the pro-reorganisation State of Bombay and (b) the areas in Maharashtra and Madhya Pradesh States which constituted the pre-reorganisation State of Madhya Pradesh. These bodies continue to function pending their reconstruction. In the case of the veterinary profession, there is the Maharashtra (Bombay Area) Veterinary Council functioning under the Bombay Veterinary Practitioners Act, 1953, in Western Maharashtra only. A common feature of these Councils and Boards is the maintenance of registers of persons entitled to practice their respective professions and the exercise of disciplinary control over persons in the register, including the power to remove their names from the register for misconduct. The qualifications for entry in the registers are prescribed by or under the law and the final decision in regard to the recognition of qualifications rests

with the State Government. In some cases the Boards and Councils are given the powers of civil courts in the conduct of disciplinary proceedings. The Councils and Boards are partly elected and partly nominated by the State Government, and in some cases, representation is given to the appropriate University Faculties. The State Government has varying powers of supervision and control, including varying powers in respect of appointment to the staff of the Councils and Boards. In the case of the Maharashtra (Bombay Area) Veterinary Council, of which the Director of Animal Husbandry is *ex-officio* President, the Deputy Director of Animal Husbandry is by law declared to be the Registrar of the Council and all the work of the Council is performed by members of his office staff.

Authorities for medical examinations

For conduct of professional examinations there are the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine functioning under the Maharashtra Medical Practitioners Act, 1961, and the Court of Examiners of Homoeopathic and Biochemic Systems of Medicine functioning under the Bombay Homoeopathic and Biochemic Practitioners Act, 1959. These bodies regulate the training of practitioners by prescribing regulations to be observed in teaching institutions, hold examinations and grant degrees and diplomas. They also advise the State Government regarding the recognition of qualifications for registration. The Faculty and Court are partly elected by heads of, and teachers in, recognised teaching institutions and are partly nominated by the State Government, which has certain powers of supervision and control. They share certain staff with the corresponding professional Boards and also have their own independent staff, including inspectors.

Authorities for school leaving examinations

For the conduct of examinations for students leaving secondary schools there are two statutory bodies in the State, viz. the Maharashtra Secondary School Certificate Examination Board and the Vidarbha Board of Secondary Education. Though these Boards have been constituted by law, they function virtually as parts of the Department of Education and they have, therefore, been included in the description of that Department in Chapter 9.

In the following chapters brief descriptions are given of the statutory corporations, boards and councils which carry out executive functions in the State field of responsibility. Owing to the similarity of their functions and constitution, the various universities in the State have been described together in a single chapter.

CHAPTER THIRTY-THREE

UNIVERSITIES

Functions and jurisdiction

Universities were perhaps the first public authorities to be set up in India by law as corporations with an identity distinct from the Government. Out of the three universities established a little over a hundred years ago, one was established in what is now the State of Maharashtra, namely the Bombay University with jurisdiction over colleges in Bombay Presidency and the Indian States lying within the geographical limits of the Presidency. At present there are in the State the following six universities with jurisdiction over the areas and operating under the Acts mentioned against their names:—

| <i>Name</i> | <i>Area of operation</i> | <i>Governing Act</i> |
|---|---|--|
| 1. Bombay University | Greater Bombay | The Bombay University Act, 1953, replacing earlier legislation. |
| 2. Nagpur University | Vidarbha | The Nagpur University Act, 1963, replacing earlier legislation. |
| 3. Poona University | Poona, Ahmednagar, Thana, Kolaba, Nasik, Dhulia and Jalgaon Districts | The Poona University Act, 1948. |
| 4. Shreemati Nathibai Damodar Thackersey Women's University | The pre-reorganisation State of Bombay | The Shreemati Nathibai Damodar Thackersey University Act, 1949, (the University was run by a registered society prior to the passing of the Act) |
| 5. Marathwada University | Marathwada | The Marathwada University Act, 1951. |
| 6. Shivaji University | Kolhapur, Ratnagiri, Satara, Sangli and Sholapur Districts | The Shivaji University Act, 1962. |

In the area of operation of each university, it is the supreme authority in the field of higher education leading up to a degree, though in recent years several institutions of national importance have been permitted by the Central Government to grant degrees of their own. The universities may either undertake teaching themselves or grant affiliation to colleges or institutions for the purpose of preparing students for examinations held by the universities. Normally colleges or other institutions in the area of a particular university can be affiliated only to that university, but, with the consent of the university and the sanction of the State Government, affiliation to another university may be sought by a college or other institution. Again, with the sanction of the State Government, a college or institution situated outside the area of a university may, subject to such conditions and restrictions as the State Government and the university may impose, be admitted to the privileges of the university. The main function of the universities is to promote higher education by providing for instruction in various branches of learning, for research and for the advancement and dissemination of knowledge, including the regulation of teaching and research in affiliated or recognised institutions. They lay down courses of instruction for various examinations, institute and confer degrees, diplomas and other academic distinctions, hold examinations and hold and manage endowments. With slight variations, it may be stated that, while undergraduate teaching is generally provided in affiliated colleges (though with a certain amount of coordination under the auspices of the university in certain places) post-graduate teaching and teaching in specialised branches is being increasingly taken over by the universities as a direct responsibility either through their own staff or through the agency of recognised teachers belonging to affiliated colleges. An important provision in every University Act is that the university is open to all without distinction of religion, race, caste, place of birth or opinion and also, except in the case of the S.N.D.T. University, without distinction of sex.

Organisation

Each university is a body corporate consisting of a Chancellor, a Vice-Chancellor, a Senate or Court, a Syndicate or Executive Council and an Academic Council. The Bombay University has, in addition, a Rector immediately below the Vice-Chancellor. The Chancellor is the Governor of the State. He is head of the University and presides over the Senate or Court and at any convocation of the University at which he may be present. The Vice-Chancellor is an honorary officer in the case of the Bombay, Poona and S.N.D.T. Universities, but a paid officer in the case of the Nagpur, Marathwada and Shivaji Universities. He is appointed by the Chancellor in the case of the Bombay University. In the case of the other universities, he may be elected by the Senate or Court subject to the approval of the Chancellor or may be appointed by the Chancellor, in both cases out of a panel of three names proposed by a specially constituted panel. The Vice-Chancellor is the principal

executive and academic officer of the university who presides over the Senate or Court and the Syndicate or Executive Council. He is responsible for seeing that the provisions of the Act and the statutes, ordinances and regulations made under the Act are observed. He can order action to be taken in an emergency. In Bombay there is a Rector who is appointed by the Chancellor in consultation with the Vice-Chancellor. The Rector is the principal inspecting officer of the University and also exercises such of the powers and performs such of the duties of the Vice-Chancellor as that authority may delegate to him. The Senate or Court consists of a number of Fellows or Members. These may be the holders of certain offices, for example the Minister for Education, the Chief Justice of the High Court, past Vice-Chancellors of the university, the Vice-Chancellors of other universities in the State, the Heads of certain Government Departments, and the holders of certain positions in the university organisation or in affiliated colleges, such as Deans of Faculties and Principals of colleges. A certain number are elected by head masters and teachers in secondary schools, college teachers and registered graduates. A certain number are nominated by local authorities or public institutions in the university area, some are elected by the members of the State Legislature from amongst themselves (in the case of Nagpur University, members of Parliament representing Maharashtra also elect two members) and some are nominated by the Chancellor. The Senate or Court is the principal deliberative body of the university whose approval or sanction is needed in several matters. The Syndicate or Executive Council is the executive authority of the university. It consists of the Vice-Chancellor (and, in Bombay, also the Rector), the Director of Education, a Dean elected by the Deans of Faculties, members elected by the Academic Council and by the Senate or Court, and members elected by Principals of affiliated colleges and heads of university departments. In several matters the Senate or Court cannot act except on the recommendation of the Syndicate or Executive Council. The Syndicate exercises close control over the finances and manages university departments and institutions. The Academic Council has responsibility for controlling and regulating the maintenance of the standard of teaching by laying down courses of study, determining the standards of examinations and making regulations. It consists of the Vice-Chancellor (and, in Bombay, the Rector), the Deans of Faculties, Heads of University Departments, Chairmen of the Boards of Studies and Principals of degree colleges. The Academic Council may co-opt specialists whenever necessary for particular business. For each major branch of academic study there is a Faculty, presided over by a Dean, consisting of members of the Boards of Studies and Fellows or Members of the Court who are assigned to the Faculty by the Academic Council. For every subject or group of subjects there is a Board of Studies, consisting of Heads of University Departments concerned and University Professors, Heads of Departments concerned in affiliated colleges and co-opted members. In addition there are Boards of University Teaching to control, regulate and coordinate instruction, teaching and training in post-intermediate

classes and at the post-graduate stage. Every university has a Registrar appointed by the Syndicate or Executive Council, who is Secretary to the main university bodies and is in charge of the office of the university.

Control

Control over universities is exercised by Government partly through the exercise of the powers conferred by the Act on the Chancellor and partly through the powers of sanction, inspection and direction given to the State Government. In the case of Bombay University the Chancellor may cause an inspection to be carried out and, after obtaining the opinion of the Syndicate and the Senate, advise the university on the action to be taken. If adequate action is not taken he may issue directions which the Syndicate is bound to carry out. In the case of some other universities, the State Government has the same powers in this connection as the Chancellor. The statutes made by the Senate or Court have to be submitted to the Chancellor for his assent and have no validity until assented to by him. Affiliations as well as disaffiliations of colleges require an order by the State Government, which may make its own inquiries before taking action. The accounts of the university have to be submitted to the State Government for audit.

CHAPTER THIRTY-FOUR

MAHARASHTRA STATE ELECTRICITY BOARD

Functions and powers

Under the provisions of the Electricity (Supply) Act, 1948, every State Government is required to constitute a Board for the purpose of promoting the coordinated development of the generation, supply and distribution of electricity within the State in the most efficient and economic manner, with particular reference to such development in areas not already served or not adequately served by any licensee. While existing licensees have been allowed to continue in operation, the Board exercises a certain amount of control in the interest of coordination and economy and, in certain circumstances, the Board can acquire the undertakings of licensees, whether they be private enterprises or local authorities. The Board is authorised to run its own generating plants and transmission and generating systems and to establish trading relations with other undertakings for the purchase of bulk power for distribution to consumers. The Board can also sell bulk power to licensees from its sources for distribution to consumers served by them. The Board is required to work on commercial lines, but at the same time the public interest, rather than the maximum profit, governs the fixation of the rates it charges.

Since May 1960 the aggregate installed capacity of the power plants belonging to the Board have increased from 69 MW to 382 MW, the electricity generated in the Board's own installations has increased from 326 million units to 2,200 million units, the number of consumers has increased from 79,500 to more than 3,00,000 and the number of villages electrified has increased from 517 to more than 2,500.

Organisation

The Board, which is by law constituted a body corporate with perpetual succession, consists of seven members appointed by the State Government, including a whole-time Chairman, a whole-time Accounts Member and a whole-time Technical Member. In the interests of administrative efficiency and securing closer association of the members of the Board with its activities, the Board has established four functional committees, each consisting of three or four members, namely, a Standing Committee, which attends to matters requiring immediate attention and also performs some of the executive functions of the Board, a Finance Committee, a Planning and Project Committee and a General Committee, which is mainly concerned with service conditions of

the Board's staff and the provision of amenities for them. The work of the Board at headquarters is done in three major departments, namely, the Secretary's Department, dealing with the Board's secretarial work and establishment matters, the Chief Engineer's Department which deals with all technical, engineering and commercial matters, including planning and execution of projects and stores purchase, and the Accounts and Audit Department, dealing with finance, accounts and audit, under a Financial Adviser and Chief Accounts Officer. In addition there is a self-contained Vigilance and Security Section under a Vigilance and Security Officer. The field organisation is divided into a number of circles, each covering two or more districts. Each circle is divided into a number of divisions, and each division is further divided into a number of sub-divisions. To assist the field organisation there are separate survey, construction, civil engineering and testing units and workshops at different levels. The number of employees of the Board, both technical and non-technical, exceeds 10,000.

State Consultative Council

The State Government has constituted a State Electricity Consultative Council consisting of the members of the Board and fifteen representatives of local bodies, electricity supply undertakings, consumers of electricity, commerce, transport, agriculture, labour and other interests. The Council, which is presided over by the Chairman of the Board, advises the Board on major questions of policy and on schemes proposed for execution.

Control

The Board is required to submit its budget estimates to the State Government for sanction and these are laid before each House of the State Legislature. The sanction of the State Government is also required to the raising of loans by the Board.

CHAPTER THIRTY-FIVE

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION

Functions

For the purpose of operating road transport services for passengers as well as goods and of carrying out ancillary functions the Maharashtra State Road Transport Corporation has been established under the provisions of the Road Transport Corporations Act, 1950. The duties of the Corporation relate to the provision of an efficient, adequate, economical and properly coordinated system of road transport services in the State. The Corporation has been given the necessary powers to carry out its functions, including powers to (i) purchase, manufacture and repair vehicles, plant and equipment, (ii) acquire and hold any property, immovable as well as movable, required for its operations, (iii) acquire any road transport undertaking operating in its area, and (iv) do anything for the purpose of improving the skill of its employees or the efficiency of its equipment or the manner of its employment, including provision of facilities for training, education and research. The Corporation is required to carry on its undertaking on business principles.

Extent of operations

The extent of operations of the Corporation may be judged from the fact that its capital expenditure amounted as on 31st March 1964 to Rs. 19.28 crores, of which Rs. 11.22 crores had been contributed by the State and the Central Governments as their capital contributions and the balance of Rs. 8.06 crores had been provided from the internal resources of the Corporation. In addition, the Corporation has borrowed Rs. 2.27 crores by the issue of debentures in the open market for meeting its requirements of working capital.

Constitution of Corporation

Though the Corporation has been given by the law an identity distinct from the State Government, it is constituted wholly of members nominated by the State Government and the Central Government. Two officials nominated by the Central Government and three by the State Government are members of the Corporation. One of the officers nominated by the State Government is whole-time Vice-Chairman of the Corporation who exercises the functions of Motor Transport Controller under the Road Transport Corporations Act, 1950. The Chairman of the Corporation is a non-official nominated by the State Government.

Organisation

Responsibility for all executive operations, subject to the control of the Chairman and the Motor Transport Controller, rests with a General Manager, appointed by the State Government. The State Government also appoints a Chief Accounts Officer. Except for the Central Workshops, which are situated at Dapuri near Poona, the headquarters establishment of the Corporation is stationed at Bombay. The Central Offices of the Corporation have several departments and branches at the head of which are a Deputy General Manager (ME) for the operational engineering department, a Deputy General Manager (Traffic) for control of passengers and goods operations, a Deputy General Manager (S&P) for the Central Stores, a Deputy General Manager (Inspections, O&M), a Divisional Controller for administration including public relations, a Chief Labour Officer for personnel and management functions, a Chief Statistician, a Chief Civil Engineer, a Chief Security Officer and a Legal Adviser. The Corporation has a Secretary who looks after all the work connected with meetings of the Corporation and its various committees. In addition there is a Secretary of the Services Board, which is a Sub-Committee of the Corporation responsible for appointments to posts in the Corporation service. In charge of the Central Workshops is a Works Manager. The field organisation is made up of ten territorial divisions, each under a Divisional Controller, with a Mechanical Engineer (Operations) or Divisional Mechanical Engineer, Traffic Officers, Accounts Officers, Labour Officers, Statisticians and Stores Supervisors. In addition, there are two sub-divisions. In each division and in one sub-division there is a divisional workshop and a number of depots. The divisional workshop is controlled by a Divisional Workshop Superintendent and the control over the work of depots is exercised by Depot Managers. The Corporation has a staff of about 21,000 and a total fleet of 2,937 vehicles. These vehicles have been operating on 2,315 routes and the total operational length covered by the services was to the extent of 163 million kilometres, carrying about 250 million passengers during the year 1963-64.

Government control

Apart from the power to appoint members of the Corporation and some of its officers the State Government and the Central Government have been vested with certain powers of control and supervision. The State Government may constitute Advisory Councils for specified purposes and the Corporation is bound to take into consideration the advice of such councils. The budget of the Corporation requires the approval of the State Government and any reappropriation of funds made in the course of a year requires its sanction. Monthly operational reviews have to be submitted by the Corporation to the State Government. The capital of the Corporation is provided by the State Government and the Central Government in agreed proportions and the State

Government may also authorise the Corporation to raise capital by the issue of shares under its guarantee. The State Government may call for information from the Corporation and also issue directions as to recruitment, conditions of service, training of employees, wage scales, maintenance of reserves, disposal of its stocks and capital and such other matters. Rules may be made by the State Government in specified matters, and its previous sanction is needed for regulations made by the Corporation. In extreme cases the State Government may, with the approval of the Central Government, suspend the Corporation and appoint a person or persons to exercise the authority of the Corporation. With similar approval the State Government may liquidate the Corporation. The Central Government has power to require the Corporation to carry the mails on rates and terms fixed by it in consultation with the State Government. The Comptroller and Auditor-General of India has the same authority in respect of the Corporation as he has in respect of the State Government and its accounts are subject to his audit. The annual statement of accounts of the Corporation, together with the audit report thereon, and the annual administration report of the Corporation have to be laid before the State Legislature to be discussed by both Houses.

CHAPTER THIRTY-SIX

HOUSING BOARDS

Functions of Housing Boards

The responsibility for executing schemes for alleviating the shortage of housing accommodation in industrial centres has been entrusted in the Bombay and Hyderabad areas of the State to the Maharashtra Housing Board and in the Vidarbha area of the State to the Vidarbha Housing Board constituted under the provisions of the Bombay Housing Board Act, 1948, and the Madhya Pradesh Housing Board Act, 1950, respectively. The activities of the Housing Boards are intended to supplement those of the Central and State Governments in regard to the housing of their employees and also of other large employers in the public as well as the private sectors. They are also intended to supplement the activities of municipalities and other local authorities. The Housing Boards, however, are competent to undertake the provision of housing on an agency basis for the employees of the Central and State Governments or of large public or private corporations. The Housing Boards are corporate bodies which have perpetual succession and a common seal. They are recognised as local authorities for purposes of land acquisition and have power to raise loans and to levy betterment charges. They receive large subventions from the Central and the State Governments. Their powers extend not only to the construction of houses but also to the laying out of lands which may be disposed of as housing sites, and the provision of services and amenities in the areas so laid out. They further extend to the distribution and redistribution of sites belonging to owners of property comprised in a housing scheme, the demolition of obstructive buildings, the advancing of money for house building and the provision of facilities for transport and communications. No housing scheme may interfere with a town planning or improvement scheme undertaken by a local authority, but, subject to this, local authorities are required to take over and maintain streets provided by the Housing Board in a housing scheme and to render the usual municipal services in the area covered by such scheme. Annual housing programmes have to be drawn up by the Boards for the approval of the State Government, and no variations may be made in the approved programmes without the sanction of the State Government. The Maharashtra Housing Board may, in addition to the functions which it shares with the Vidarbha Housing Board, (a) provide technical advice to the State Government and scrutinise projects under housing schemes referred to it by the State Government, (b) undertake research on problems connected with housing in general and, in particular, investigate methods of economical construction of houses suited to local conditions, (c) undertake surveys of problems of housing, and (d) take such action as may be necessary to unify, simplify and standardise building materials, encourage pre-fabrication and

mass production of house components, organise or undertake the production of building materials needed for its schemes, and secure a steady and sufficient supply of trained workmen. The State Government has power to make rules to regulate the proceedings of the Boards and, subject to the sanction of the State Government, the Maharashtra Housing Board may make by-laws, and the Vidarbha Housing Board regulations, regarding matters of detail. In respect of staff, the State Government is empowered to appoint for the Maharashtra Housing Board a Housing Commissioner who is also Secretary of the Board, one or more Assistant Housing Commissioners and a Chief Accounts Officer. The rest of the staff is appointed by the Board, provided that the previous sanction of the State Government is taken to appointments to posts carrying a maximum salary in excess of Rs. 1,200 per mensem. The creation of new posts with such salaries also requires the previous sanction of the State Government. The Vidarbha Housing Board is competent to appoint its own staff, but the appointments of the Housing Commissioner, the Secretary and any other officer whose salary exceeds Rs. 500/- per mensem require the previous approval of the State Government. The State Government has power to issue such directions to the Maharashtra Housing Board as it considers necessary or expedient and the Board is required to comply with such directions. The State Government may appoint a person or persons to make inquiries into the activities of the Board and make a report. The State Government may also, in case of default on the part of the Board in performing any duty, fix a period for the performance of that duty, and, in the event of failure or neglect to perform the duty within the period fixed, to supersede and reconstruct the Board. No such provisions exist in respect of the Vidarbha Housing Board. In the case of both Boards, however, the State Government has power to dissolve the Board by order after obtaining the approval of the State Legislative Assembly, and to take over the assets of the Board, subject to the discharge of its liabilities.

Organisation of Maharashtra Housing Board

The Maharashtra Housing Board consists of a Chairman, the Housing Commissioner as *ex-officio* member, and seven other members nominated by the State Government, of whom one has to be an officer of the Government. The Chairman may be a salaried official or may hold office in an honorary capacity. The members hold office in an honorary capacity but may receive such allowances as may be prescribed. The term of office of the Chairman and the members, other than the Housing Commissioner, is three years extensible by a further period not exceeding one year, but reappointment is permissible on expiry of the term. The chief executive officer of the Board is the Housing Commissioner, who is also Secretary to the Board. Under him there are four Assistant Housing Commissioners, viz. Assistant Housing Commissioner (East), Assistant Housing Commissioner (West), Assistant Housing Commissioner (South) and Technical Examiner, and Assistant

Housing Commissioner (Estate Management). Each Assistant Housing Commissioner, except the Assistant Housing Commissioner (Estate Management), has under him four Executive Engineers, each in charge of a Division. Each Division has three Sub-Divisions. In the Estate Management section, there are three Estate Managers under the Assistant Housing Commissioner (Estate Management) and under each Estate Manager there are two Assistant Estate Managers. At headquarters, the Housing Commissioner has the aid of an Executive Engineer who is also Personal Assistant, a Works and Designs Officer and three Deputy Engineers. Also at headquarters are a Chief Accounts Officer and a Legal Adviser. Altogether, the Board has a sanctioned staff of 93 gazetted officers, 282 technical non-gazetted employees and 1,919 non-technical non-gazetted employees.

Organisation of Vidarbha Housing Board

The Vidarbha Housing Board consists of a Chairman nominated by the State Government, a member representing the State Legislative Assembly nominated by the Speaker and a number of other members nominated by the State Government to represent specified interests, including the Nagpur Municipal Corporation and the Nagpur Improvement Trust. The staff of the Board consists of a Housing Commissioner who is also Secretary to the Board, an Assistant Secretary, an Accounts Officer and an Assistant Engineer at headquarters and a Divisional Engineer, assisted by three sub-divisional officers and a number of overseers, on the field establishment.

CHAPTER THIRTY-SEVEN

MAHARASHTRA STATE FINANCIAL CORPORATION

Functions and powers

The Maharashtra State Financial Corporation has been established under the provisions of the State Financial Corporations Act, 1951, for the purpose of providing finance to medium and small scale industries and supplementing the work of the Industrial Finance Corporation of India. It differs from other statutory corporations and boards in that its capital is raised in the form of shares most of which are subscribed by the State Government, the Reserve Bank of India and specified financial institutions but some of which are available to members of the public, and it pays dividends to shareholders at a rate not less than three and a half per cent. Concerns engaged in certain activities only are eligible for accommodation from the Corporation which may be in the form of guarantee to loans raised from other sources or to deferred payments for capital goods purchased by the concern, the underwriting of shares or debentures, or the grant of loans up to certain limits. The Corporation may also act as an agent of the Central Government, the State Government, the Industrial Finance Corporation of India or certain other financial institutions in transactions relating to grant of loans to, or subscription of debentures issued by, an industrial concern. Apart from the issue of shares, the Corporation is authorised to raise funds in various ways, including borrowings and acceptance of deposits. The Corporation has issued shares of the value of one crore of rupees and has raised funds in other ways exceeding five crores of rupees.

Organisation

The general superintendence, direction and management of the affairs of the Corporation are vested in a Board of Directors, of whom three are nominated by the State Government, including the Chairman, one each is nominated by the Reserve Bank of India and the Industrial Finance Corporation of India and the rest are elected by the share-holders. The Board is assisted by an Executive Committee consisting of five directors, and by a Managing Director appointed by the State Government in consultation with the Board, who is *ex-officio* Chairman of the Executive Committee. Advisory Committees may be appointed to assist the Board. The Corporation has its head office in Bombay and branch offices in Nagpur, Aurangabad, Miraj and Panjim (Goa). At most district headquarters the Corporation has appointed Pleaders to avoid inconvenience to borrowers.

Control

The Government is empowered to issue directions to the Corporation in matters of policy in consultation with the Reserve Bank of India. The accounts of the Corporation are also audited by the Accountant General, Maharashtra State. Inspections are carried out from time to time by the Reserve Bank of India.

CHAPTER THIRTY-EIGHT

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION

Functions and powers

In order to regulate the orderly establishment of industries in industrial areas and industrial estates in the State provision has been made by the Maharashtra Industrial Development Act, 1961, for the establishment of a corporation called the Maharashtra Industrial Development Corporation. The functions of the Corporation are to (a) establish and manage industrial estates at places selected by the State Government, (b) develop industrial areas selected by the State Government and make them available for undertakings, (c) give loans to industries to facilitate the movement of factories into industrial estates or areas from outside, and (d) join with other authorities in the execution of works or schemes which will promote the objects of the Corporation or undertake such works or schemes on an agency basis. For the purposes of carrying out its functions, the Corporation has been given power to acquire and hold property, to erect buildings and carry out works, to provide amenities in industrial estates or areas, to provide buildings to industrialists on hire or sale, to provide housing for industrial employees, to employ consultants or specialists and to enter into contracts. The Corporation is empowered to have and maintain its own fund, and, subject to conditions prescribed by rules made by the State Government under the Act, to borrow money in the open market or otherwise. It may also accept deposits. In an industrial estate or area the Corporation has power to order demolition of buildings or to stop building operations in certain circumstances, to require owners of land to provide certain amenities, to lay pipe lines or supply or service lines for water, gas or electricity, and to enter on private premises. Local authorities may be directed by the State Government not to impede the Corporation's operations by conditions which are considered unreasonable and also to provide such amenities as the State Government specifies. The Corporation has power to make, with the previous approval of the State Government, regulations to govern the details of its operations.

Activities

The Corporation has taken up nineteen industrial areas for development, two in Greater Bombay, eight in Thana District, one of which is on the outskirts of Greater Bombay, one in Kolaba District, two in Poona District, one in Nasik District, one in Ratnagiri District, two in Aurangabad District, one in Akola District and one in Nagpur District. In order to attract industries to the undeveloped parts of the State, land is given on subsidised terms by the Corporation in the industrial areas outside the Bombay-Poona region. The

Corporation has also undertaken three major water supply schemes and set up an Investment Centre which provides information regarding industrial investment opportunities in Maharashtra, gives guidance to industrialists in regard to conditions, laws, policies and procedures relating to industrial investment, gives advice to entrepreneurs in planning and establishing their projects and conducts surveys and studies. The Corporation has decided to set up a cement plant in the joint sector.

Organisation

The Corporation is declared to be a body corporate with perpetual succession. It consists of eight members. Five of these are nominated by the State Government, of whom two must be officials and three must be chosen from among persons who have shown capacity in the field of industry, trade or finance or who are capable of representing persons engaged or employed in these fields. One of the official members serves as Financial Adviser to the Corporation. One of the members is to be nominated by the Maharashtra State Electricity Board and one by the Maharashtra Housing Board. The eighth member is the Chief Executive Officer of the Corporation *ex-officio*. One of the members of the Corporation is appointed by the State Government as Chairman. The present Chairman of the Corporation is the Minister for Industries and Electricity. The official members of the Corporation, including the Chief Executive Officer, are entitled to draw such salaries and allowances as may be prescribed in the rules or such reasonable additional remuneration as may be fixed by the State Government for extra or special services rendered by them. The other members are allowed honoraria or compensatory allowances. The members hold office for a term of two years, except for the Chief Executive Officer. On the staff of the Corporation are the Chief Executive Officer, who is also Secretary to the Corporation and a Chief Accounts Officer, both appointed by the State Government, and such other officers and servants as the Corporation considers necessary. The conditions of service of the staff appointed by the Corporation are regulated by regulations made by the Corporation, while those of the Chief Executive Officer and the Chief Accounts Officer are regulated by rules made by the State Government. In addition to the Chief Executive Officer and the Chief Accounts Officer the staff includes a Superintending Engineer whose services have been obtained on deputation from the Irrigation and Power Department, an Assistant Chief Executive Officer who is responsible for the allotment of plots and land and estate matters, an Establishment Officer who is responsible for establishment matters, an Assistant Secretary who is responsible for general administrative matters and an Officer on Special Duty who is in charge of the Industrial Finance and Investment Division. In charge of the Maharashtra Investment Centre conducted by the Corporation is a Secretary who is advised on technical matters by a Technical Adviser. Under the Superintending Engineer are six Engineering Divisions and two Survey Divisions.

Control

The State Government may suspend or remove from office a member of the Corporation for sufficient reason after giving him an opportunity to show cause. It may issue directions to the Corporation as to policy which the Corporation is bound to follow. The budget of the Corporation and the programme of work have to be submitted to the State Government for approval, and these are placed before each House of the Legislature. The State Government appoints an auditor in consultation with the Comptroller and Auditor-General of India to audit the Corporation's accounts, and these accounts, with the audit report, are to be placed before each House of the State Legislature. A concurrent audit by such person as the State Government thinks fit may also be ordered, and the State Government may also order a special audit of the accounts relating to a particular transaction or to a particular period. The State Government may, in case of default or neglect on the part of the Corporation, fix a period for remedial action to be taken and, on failure of the Corporation to take action, may supersede and reconstitute the Corporation. The State Government may finally dissolve the Corporation if it is satisfied that the purposes for which it is established have been substantially achieved so as to render its continuance unnecessary.

CHAPTER THIRTY-NINE

MAHARASHTRA STATE WAREHOUSING CORPORATION

Functions and powers

The Maharashtra State Warehousing Corporation has been constituted under the provisions of the Agricultural Produce (Development and Warehousing) Corporation Act, 1956, now replaced by the Warehousing Corporation Act, 1962, enacted by Parliament. The Corporation is part of an all-India organisation for the promotion of the scientific storage of agricultural produce at convenient centres and the provision of facilities of various kinds which will promote the economic interests of the primary producer. The apex of the all-India organisation is the Central Warehousing Corporation which may either itself provide the facilities mentioned above or may provide financial assistance to State Governments or to State Warehousing Corporations which will enable them to make suitable provision. The Maharashtra State Warehousing Corporation is a corporate body with perpetual succession and with power to acquire, hold and dispose of property and to make contracts in its corporate capacity. Its functions, as provided in the Act, are to acquire, build and run warehouses for agricultural produce, seeds, manures, fertilizers and agricultural implements offered for storage by individuals, cooperative societies and other institutions, provide facilities for transport to and from warehouses, act as an agent of the State Government or of the Central Warehousing Corporation for the purchase, sale, storage and distribution of agricultural produce, etc. It is intended that the Corporation should, in addition to these functions, also aid in promotion or development of instrumental credit for depositors, particularly primary producers, but for the present the Corporation is concentrating on the provision and running of warehouses at important centres. The Corporation is required to act on business principles having regard to the public interest. The capital of the Corporation is such sum not exceeding Rs. two crores as the State Government may prescribe in the rules made by it under the Act, divided into shares of Rs. 100 each. Half the number of shares issued are to be subscribed by the State Government and the remainder by the Central Warehousing Corporation. At present the State Government has provided Rs. 28 lakhs and the Central Warehousing Corporation Rs. 27 lakhs. The Corporation may, in addition, in consultation with the Reserve Bank of India and with the approval of the State Government, raise money from the open market in the form of bonds or debentures and these bonds or debentures may be guaranteed by the State Government. The Corporation may also borrow from the Reserve Bank of India, the State Bank of India, the Central Warehousing Corporation or the State Government. Its profits are to be utilised to build up a reserve fund and to pay dividends on its

share capital. The Corporation is empowered to make regulations to govern its internal working.

Organisation

The Corporation is under the general superintendence and management of a board of directors consisting of five nominees of the State Government, five nominees of the Central Warehousing Corporation, including one nominated in consultation with the State Bank of India and at least one non-official, and a Managing Director appointed by the State Government in consultation with the other directors and with the previous approval of the Central Warehousing Corporation. The board of directors is presided over by a Chairman appointed by the State Government with the previous approval of the Central Warehousing Corporation from among the directors. The term of the board of directors is two years. Five members of the Board constitute a quorum and the board has to meet at least twice in a year. The Managing Director exercises such powers and performs such duties as the board of directors may entrust to and delegate to him, and he receives such salary and allowances as the Corporation may fix in consultation with the Central Warehousing Corporation and with the previous approval of the State Government. For conduct of the executive business of the Corporation there is an Executive Committee of the board of directors, consisting of the Chairman, the Managing Director, the Registrar of Cooperative Societies, the Deputy Secretary and Treasurer of the State Bank of India and a non-official director nominated by the State Government. The staff of the Corporation at headquarters includes, in addition to the Managing Director, a Secretary, an Executive Engineer, an Inspection and Storage Officer and an Accounts Officer. The field staff of the Corporation includes Inspectors and Market Investigators. At each warehouse there are a Warehouseman, a Store Keeper, a Peon-cum-Dusting Operator and a Watchman.

Control

The State Government as well as the Central Warehousing Corporation have authority to issue instructions to the Corporation on questions of policy and the board of directors is required to be guided by such instructions. In case of doubt whether or not a question is one of policy and in case of conflicting instructions by the State Government and the Central Warehousing Corporation a reference has to be made to the Central Government whose decision is final. Cases of dispute between the Central Warehousing Corporation and the State Warehousing Corporation also have to be referred to the Central Government. The State Government may remove from office the Managing Director with the previous approval of the Central Warehousing Corporation after giving him an opportunity to show cause against the proposed removal. The State Government has power to make rules in certain matters

and its sanction is required for the regulations made by the Corporation. The accounts of the Corporation are to be maintained in the form prescribed in rules made by the State Government and they are audited by a duly qualified auditor appointed by the State Government on the advice of the Comptroller and Auditor-General of India. Directives may be issued to the auditor by the State Government on certain conditions and the Comptroller and Auditor-General has also been given powers to undertake a special audit. The audit report is to be submitted to the State Government and it has to be laid before the State Legislature. The Corporation is required to prepare and submit for the approval of the State Government and the Central Warehousing Corporation a programme of its work and a financial estimate.

CHAPTER FORTY

MAHARASHTRA STATE KHADI AND VILLAGE INDUSTRIES BOARD

Functions and powers

The Maharashtra State Khadi and Village Industries Board replaces the Khadi and Village Industries Board (Bombay, Poona and East Khandesh) established under the provisions of the Bombay Khadi and Village Industries Act, 1960, as successor to the Bombay Village Industries Board which was established in 1954. Its jurisdiction extends to the whole of Maharashtra. The functions of the Board are the encouragement, organisation, development and regulation of khadi and village industries. It may not only give assistance and encouragement to such industries but may itself carry on trade and business in these industries, give monetary help to individuals or societies engaged in these industries, conduct training classes, manufacture tools and implements, arrange for supply of raw materials, run stores or emporiums and hold exhibitions, educate public opinion, obtain expert advice and guidance and encourage or undertake research. Among the industries listed as village industries are sericulture, beekeeping, neera palm gur, gur khandsari, edible and non-edible oil and soap manufacture, hand pounding, salt manufacture, fruit canning, hand-made paper, pottery, leather work, carpentry and blacksmithy. The Board serves as the agent of the Khadi and Village Industries Commission in the execution of projects in the field of khadi and village industries, and in the disbursement of loans, subsidies and grants. The Board is declared a body corporate with perpetual succession and power to hold property. It has its own fund, made up of its income, subsidies from the State Government and subventions from the Khadi and Village Industries Commission.

Organisation

The Board consists of sixteen members, including two member-Secretaries appointed by the State Government from among persons who have had experience in matters relating to the development of khadi and village industries. One of the members is nominated by the State Government as Chairman of the Board and another as Vice-Chairman. The term of the Board is left to the State Government to specify. Allowances are payable to the members at such rate as may be prescribed by rules made by the State Government. The Board may constitute one or more committees, including divisional committees for each Division. The Board is required to appoint an Executive Officer to manage its affairs and is empowered to lay down his functions, duties and powers with the prior approval of the State Government. The Executive Officer may be a Government servant deputed

to serve with the Board, as is the case at present. On the advice of the Khadi and Village Industries Commission the Board has, in consultation with the State Government, appointed an officer of the Indian Audit and Accounts Service as its Financial Adviser and Chief Accounts Officer. The Board is competent to appoint such other staff as it considers necessary and to make regulations laying down the remuneration, allowances and other conditions of service. The head office of the Board is at Bombay. It also has divisional offices at Bombay, Poona, Nagpur and Aurangabad and twenty-six district offices.

Control

The Board is required to prepare and forward to the State Government a programme of work for its sanction, and Government may make such modifications in the programme as it considers fit. The budget of the Board has also to be submitted to the State Government for sanction. No loan may be raised by the Board without the previous sanction of the State Government. The accounts of the Board are audited by the Accountant General, Maharashtra State. The State Government may issue instructions to the Board on questions of policy and the Board is bound to be guided by them. The Board is required to submit an annual report giving a complete account of its activities along with a statement of accounts prepared in the prescribed form. The report and accounts are required to be laid before each House of the State Legislature by the State Government. The Board may be reconstituted or reorganised in any manner whatsoever by the State Government or it may be dissolved, but an order of reconstitution, reorganisation or dissolution has to be laid by the State Government before each House of the State Legislature.

CHAPTER FORTY-ONE

MAHARASHTRA LABOUR WELFARE BOARD

Functions

The Maharashtra Labour Welfare Board is constituted under the Bombay Labour Welfare Fund Act, 1953, for the purpose of administering the Labour Welfare Fund, which consists of amounts required by the Act to be paid to the Board, including fines realised from employees of factories and other industrial establishments covered by the Act, dues of employees which have remained unpaid and are deemed to be abandoned property, welfare funds transferred to the Board by any factory or industrial undertaking, and voluntary donations. The Board is a body corporate with perpetual succession and with power to acquire property. Its function is to carry out measures specified by the State Government to promote the welfare of workers and of their dependents and, in particular, to maintain community and social education centres, including reading rooms and libraries, provide community necessities, arrange for games, sports, excursions, tours and holiday homes, entertainments and other forms of recreation and promote home industries and subsidiary occupations for women and unemployed persons. Sixty-nine Welfare Centres are being run by the Board at present. The activities at these centres include entertainment, indoor games, gymnasia, social education and health measures. Special activities for women and children are undertaken and at some centres there are nursery schools.

Organisation

The Board consists of four representatives each of employers and employees and a number of independent members, including representatives of women. The members are nominated by the State Government and hold office for a term of three years. The Chairman of the Board is elected by the members from amongst themselves, but only an independent member may be so elected. The principal executive officer of the Board is the Welfare Commissioner who is appointed by the Board with the previous approval of the State Government. The rest of the staff is appointed by the Board, but the terms and conditions of service of the staff are regulated by rules made by the State Government.

Control

The State Government has power to remove a member of the Board who incurs a disqualification or who is absent without leave of the Board.

It may supersede the Board for default in the performance of its duties or for abuse of powers, and may reconstitute the Board. It may also remove from the service of the Board any person whom it deems unsuitable and may also make an appointment on the staff of the Board in the event of more than one-third of the Board disagreeing to a particular appointment.

G L O S S A R Y

| | | |
|-------------|---|---|
| Adivasis | : | The collective name by which communities with a tribal social organisation are popularly known. |
| Awal Karkun | : | A senior clerk on the establishment of the Revenue Department. |
| Chitnis | : | The head of the revenue branch in the office of the collector of a district, of the rank of mamlatdar. The revenue branches in the offices of commissioners of divisions each has a chitnis immediately below the revenue assistant commissioner. |
| Crore | : | Unit of computation equivalent to ten million or one hundred lakhs, represented in figures as 1,00,00,000. |
| Desh | : | Collective term denoting the area of Western Maharashtra not covered by the terms 'Khandesh' and 'Konkan', namely the areas comprising Ahmednagar, Kolhapur, Nasik, Poona, Sangli, Satara and Sholapur districts. |
| Devasthans | : | Lands which are held on an <i>inam</i> tenure for the support of temples, mosques or other places of worship. |
| Dhobi | : | Washerman. |
| Gaothan | : | The area constituting the site of a village, as distinguished from the surrounding arable lands, which is reserved for non-agricultural use and which is ordinarily not assessed to land revenue. |
| Gram Sevak | : | The primary official at the village level in <i>panchayati raj</i> administration. |
| Inam | : | A gift or grant of land which involves the alienation wholly or partly to an individual or an institution of the rights of Government to land revenue. Inam lands were held by the beneficiary on a special tenure called inam tenure, covering service inams, personal inams, political inams and devasthans. Excepting for devasthans, all inam tenures have now been abolished by law. The holder of an inam was known as 'inamdar'. |

The word 'inam' may also be used to describe the conferment of a right to receive cash payments or to levy customary fees for the performance of certain duties to Government or to the community by village officers. Another name for such customary rights is 'watan'.

- Jagir or Jahagir : An inam granted before the establishment of British rule for the performance of civil or military duties or for the maintenance of the personal dignity of a nobleman or high official.
- Jamabandi : An inspection and audit of the accounts of land revenue maintained by village officers and a comparison of these accounts with the taluka or tahsil accounts at the time of inspections of villages by collectors, prant officers and mamlatdars, mahalkaris or tahsildars.
- Janapada Sabhas : Organs of decentralised administration which functioned in Vidarbha at the tahsil level prior to the establishment of *Zilla Parishads*.
- Kamgar : Workman or labourer.
- Khalasi : Person engaged on heavy labour; often applied to seamen.
- Khandesh : The districts of Jalgaon and Dhulia in Western Maharashtra which originally constituted a single district.
- Kharif : A distinct agricultural season from May to the middle of October, covering crops sown just before, or at the commencement of, the south-west monsoon (May to July) and reaped at the end of, or shortly after, that monsoon (September to October).
- Konkan : The coastal region of Western Maharashtra comprising the districts of Thana, Kolaba and Ratnagiri.
- Lakh : Unit of computation equivalent to one hundred thousand, represented in figures as 1,00,000.

- Mahal : A group of villages in a taluka which the State Government by order constitutes into a special unit for purposes of land revenue administration. Though in law every mahal is a sub-division of a taluka, in actual practice mahals are treated as separate territorial units for all purposes and are not regarded as falling within the boundaries of the talukas out of which they were originally carved out. A mahal is under the charge of a mahalkari who, though of the grade of awal karkun, is invested with the powers of a mamlatdar and is answerable direct to the prant officer.
- Maidan : Open land usually reserved as a public amenity.
- Mali : Gardener.
- Mamlatdar : The chief officer in Western Maharashtra entrusted with the local revenue administration of a taluka. Officers of the grade of mamlatdar may also be posted as head clerks or chitnises in higher revenue offices or may be detailed for survey or settlement operations.
- Mochi : Cobbler.
- Mukadam : Labour supervisor.
- Paisa (pl. Paise) : The smallest unit of Indian currency equal to one-hundredth of a rupee.
- Panchayati Raj : Decentralised administration on a popular basis, more particularly in the field of social development.
- Patwari : Village accountant in Vidarbha corresponding to the talati in Western Maharashtra and Marathwada.
- Pot Hissa : When a tract of land which is given a single survey number in the record of rights is made up of two or more separate holdings, each such holding or sub-division is called a pot hissa or hissa.
- Prant : Sub-division of a district, comprising a number of talukas or mahals in Western Maharashtra and a number of tahsils in Vidarbha and Marathwada, under the charge of an assistant or deputy collector who is in this capacity also known as prant officer.

- Rabi : A distinct agricultural season from the middle of October to the middle of the following April, covering crops sown after the south-west monsoon (October to December) and reaped towards the end of the cold season (February to April).
- Rupee : Unit of Indian currency equivalent in exchange value to 1sh. 6d in the United Kingdom and to 20 cents in the United States of America.
- Sarvodaya : Comprehensive social welfare according to Gandhian ideology.
- Scheduled Areas : Areas in the State declared as such by order of the President which are administered under special provisions which protect the interests and way of life of the tribal population residing therein.
- Scheduled Castes : Hindu, Sikh or Jain castes declared as such initially by order of the President and subsequently by law of Parliament. The castes so declared are those which were formerly subjected by custom to social or religious disabilities or discrimination. Members of castes covered by a declaration are eligible for special help in several ways.
- Scheduled Tribes : Such adivasi communities as are declared initially by order of the President and subsequently by law of Parliament to be Scheduled Tribes. Members of tribes covered by a declaration are eligible for special protection and help in several ways.
- Tagai or Tagavi : An advance made or deemed to be made by the Revenue Department to a cultivator or land-holder which is recoverable with or without interest in instalments.
- Tahsil and Tahsildar : A sub-division of a district in Vidarbha and in Marathwada corresponding to a taluka in Western Maharashtra. A tahsildar is the chief revenue officer for the administration of a tahsil corresponding to a mamlatdar in Western Maharashtra.

- Talati : In Western Maharashtra and Marathwada the village accountant responsible for the recovery of land revenue and other Government dues in a village or a group of villages and for maintaining the village accounts. He is also entrusted with miscellaneous administrative duties and, with the introduction of *panchayati raj*, has become assistant gram sevak.
- Taluka : A sub-division of a district in Western Maharashtra consisting of a number of villages or of a number of villages and mahals.
- Vimukta Jatis : Castes or communities traditionally associated with anti-social activities and formerly governed by special restrictive laws under the name "criminal tribes".
- Waqf : A permanent dedication by a Muslim of property for a purpose recognised by Islamic law as pious, religious or charitable.
- Watan : See under 'inam'.
- Zilla Parishads : Statutory authorities for local self-government at the district level, excluding municipal areas. These bodies are the most important of the institutions in rural areas through which the policy of democratic decentralisation is sought to be made effective.

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